

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.

Tuesday, July 8, 2014.

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

Distinguished Guest.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Ms. Lovely for the purpose of an introduction. Ms. Lovely then introduced, in the rear of the Chamber, Max McAuliffe of Salem. Max is 12 years old and a recent 6th grade graduate of the Tower School in Marblehead. He was visiting the State House to be recognized for his dedication to public service. As a second grader at the Horace Mann Laboratory School, Max masterminded a program to send soccer balls to children in Haiti after the devastating Haitian earthquake. Max was also named the Tower School's First Community Scholar and formed an organization called "High Five 4 WI-FI" to collect used wireless laptops for homeless children in area motels. The Senate applauded his accomplishments and he withdrew from the Chamber. He was accompanied by his father Gavin, who has teamed up with him in partnering with the North Shore Community Action Program in Peabody, with the goal of collecting and distributing used wireless laptops to children.

Reports.

The following reports were severally received and placed on file, to wit: Report of the Pension Reserves Investment Management Board (under the provisions of Section 4 of Chapter 151 of the Acts of 2007) submitting its report relative its divestment from Sudan restricted securities (received July 7, 2014); Report of the Pension Reserves Investment Management Board (under the provisions of Section 6 of Chapter 232 of the Acts of 2010) submitting its report relative its divestment from Iran restricted securities (received July 7, 2014); and Report of the Pension Reserves Investment Management Board (under the provisions of Section 23 of Chapter 32 of the General Laws) submitting its report relative its divestment from certain tobacco securities (received July 7, 2014).

Report of a Committee.

By Mr. McGee, for the committee on Transportation, on the recommitted petition, a Bill to establish a special commission to identify, preserve and commemorate historic roadways in Massachusetts (Senate, No. 2112);

Read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.

PAPERS FROM THE HOUSE

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4260) of Cleon H. Turner (by vote of the town) that the town of Dennis be exempt from complying with certain provisions of the prevailing wage law;

To the committee on Labor and Workforce Development.

Petition (accompanied by bill, House, No. 4261) of Paul McMurtry and Michael F. Rush (by vote of the town) relative to the

authority of the town manager of the town of Dedham; **To the committee on Municipalities and Regional Government.** Petition (accompanied by bill, House, No. 4262) of Todd M. Smola and Stephen M. Brewer (by vote of the town) that the board of assessors of the town of Sturbridge be authorized to grant tax abatements to certain military personnel; and Petition (accompanied by bill, House, No. 4263) of Cleon H. Turner (by vote of the town) that the town of Dennis be authorized to impose a local sales tax on the sale of medical marijuana; **Severally, to the committee on Revenue.**

A Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain property in the town of Tewksbury (House, No. 4085,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Senate Ways and Means.**

A Bill increasing the fine for the illegal taking of eels and elvers (House, No. 3782, amended,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

A Bill directing the State-Saugus retirement board to retire John Coburn, a police officer of the town of Saugus (House, No. 4256,-- on House, No. 3809) [Local approval received on House, No. 3809],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

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 sixteen 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 considered forthwith and adopted, as follows:- Resolutions (filed by Mr. Pacheco) "congratulating Catherine Christopher on the occasion of her one hundredth birthday."

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 Benjamin B. Downing and William Smitty Pignatelli relative to a vote in the Berkshire Hills Regional School District.

Senate Rule 36 was suspended, on motion of Mr. Rosenberg, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Election Laws.

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 for legislation relative to the automatic renewal of certain propane gas contracts.

Senate Rule 36 was suspended, on motion of Mr. Downing, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Telecommunications, Utilities and Energy.

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. 4269) of Marjorie C. Decker relative to tests of newborn children for treatable disorders or diseases;

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

Petition (accompanied by bill, House, No. 4267) of Paul McMurtry and Michael F. Rush for legislation to establish a sick leave bank for Athanasios Gougoulas, an employee of the Department of Developmental Services;

Petition (accompanied by bill, House, No. 4268) of Antonio F. D. Cabral for legislation to establish a sick leave bank for Anita Rebello, an employee of the Department of Children and Families; and

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

The following House Orders (approved by the committees on Rules of the two branches, acting concurrently) were considered as follows:
 Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Education be granted until Tuesday, July 15, 2014, within which time to make its final report on current House documents numbered 362, 464, 468, 505, 529, 530, 531, and 532.

The rules were suspended, on motion of Ms. Chang-Diaz, and the order was considered forthwith; and, after remarks, was adopted, in concurrence.

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Public Service be granted until Thursday, July 31, 2014, within which time to make its final report on current Senate document numbered 1225, and House documents numbered 59, 2370, and 2389.

The rules were suspended, on motion of Mr. Lewis, and the order was considered forthwith; and, after remarks, was

adopted, in concurrence.

Ordered, that notwithstanding the provisions of Joint Rule 10 the committee on Revenue be granted until Thursday, July 31, 2014, within which time to make its final report on current Senate document numbered 1324, and House document numbered 2568.

The rules were suspended, on motion of Mr. Rodrigues, and, the order was considered forthwith; and, after remarks, was adopted, in concurrence.

Ordered, that notwithstanding the provisions of Joint Rule 10 the committee on Transportation be granted until Thursday, July 22, 2014, within which time to make its final report on current Senate documents numbered 1664 and 1712, and House documents numbered 3136 and 3168.

The rules were suspended, on motion of Mr. McGee, and the order was considered forthwith; and, after remarks, was adopted, in concurrence.

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 Senate Bill relative to rock wall climbing safeguards (Senate, No. 1146) (the committee on Ethics and Rules recommending that the bill be amended by substituting a new draft with the same title, Senate, No. 2253).

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

The bill (Senate, No. 2253) was then ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-six minutes before three o'clock P.M., on motion of Mr. McGee, as follows, to wit (yeas 38 - nays 1) [**Yeas and Nays No. 390**]:

YEAS.

Barrett, Michael J.	Kennedy, Thomas P.
Brewer, Stephen M.	Lewis, Jason M.
Brownsberger, William N.	Lovely, Joan B.
Candaras, Gale D.	McGee, Thomas M.
Chandler, Harriette L.	Montigny, Mark C.
Chang-Diaz, Sonia	Moore, Michael O.
Creem, Cynthia Stone	Moore, Richard T.
DiDomenico, Sal N.	O'Connor Ives, Kathleen
Donnelly, Kenneth J.	Pacheco, Marc R.
Donoghue, Eileen M.	Petrucelli, Anthony
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Rosenberg, Stanley C.
Finegold, Barry R.	Ross, Richard J.

Flanagan, Jennifer L.

Rush, Michael F.

Forry, Linda Dorcena

Spilka, Karen E.

Humason, Donald F., Jr.

Tarr, Bruce E.

Jehlen, Patricia D.

Timilty, James E.

Joyce, Brian A.

Welch, James T.

Keenan, John F.

Wolf, Daniel A. – **38.**

NAYS.

Hedlund, Robert L. – **1.**

The yeas and nays having been completed at twenty-three minutes before three o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Engrossed Bill

An engrossed Bill relative to filling a temporary vacancy in the United States Senate (see House, No. 4089) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage. After debate, the question on passing it to be enacted was determined by a call of the yeas and nays, at four minutes before three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 35 - nays 4) **[Yeas and Nays No. 391]:**

YEAS.

Barrett, Michael J.

Kennedy, Thomas P.

Brewer, Stephen M.

Lewis, Jason M.

Brownsberger, William N.

Lovely, Joan B.

Candaras, Gale D.

McGee, Thomas M.

Chandler, Harriette L.

Montigny, Mark C.

Chang-Diaz, Sonia

Moore, Michael O.

Creem, Cynthia Stone

Moore, Richard T.

DiDomenico, Sal N.

O'Connor Ives, Kathleen

Donnelly, Kenneth J.

Pacheco, Marc R.

Donoghue, Eileen M.

Petrucelli, Anthony

Downing, Benjamin B.

Rodrigues, Michael J.

Eldridge, James B.

Rosenberg, Stanley C.

Finegold, Barry R.

Rush, Michael F.

Flanagan, Jennifer L.

Spilka, Karen E.

Forry, Linda Dorcena

Timilty, James E.

Jehlen, Patricia D.

Welch, James T.

Joyce, Brian A.

Wolf, Daniel A. – **34.**

NAYS.

Hedlund, Robert L.

Ross, Richard J.

Humason, Donald F., Jr.

Tarr, Bruce E. – **5.**

Keenan, John F.

The yeas and nays having been completed at one minute before three o'clock P.M., the bill was passed to be enacted, and it was signed by the President and laid before the Governor for his approbation.

The Senate Bill relative to the Police Department of the University of Massachusetts (Senate, No. 2045),-- came from the House passed to be engrossed, in concurrence with an amendment striking out section 3.

The rules were suspended, on motion of Mr. Michael O. Moore, and the House amendment was considered forthwith and adopted, in concurrence.

Reports of Committees.

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 Senate Bill relative to the effective enforcement of municipal ordinances and by laws (Senate, No. 944).

There being no objection, the rules were suspended, on motion of Mr. Eldridge, 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 Third Reading to read as follows: "An Act relative to the effective enforcement of municipal ordinances and by-laws".

Sent to the House for concurrence.

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 Senate Bill designating volleyball as the official recreational and team sport of the Commonwealth (Senate, No. 1627).

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

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at four minutes past three o'clock P.M., on motion of Mr. McGee, as follows, to wit (yeas 39 – nays 0) **[Yeas and Nays No. 392]:**

YEAS.

Barrett, Michael J.	Kennedy, Thomas P.
Brewer, Stephen M.	Lewis, Jason M.
Brownsberger, William N.	Lovely, Joan B.
Candaras, Gale D.	McGee, Thomas M.
Chandler, Harriette L.	Montigny, Mark C.
Chang-Diaz, Sonia	Moore, Michael O.
Creem, Cynthia Stone	Moore, Richard T.
DiDomenico, Sal N.	O'Connor Ives, Kathleen
Donnelly, Kenneth J.	Pacheco, Marc R.
Donoghue, Eileen M.	Petrucelli, Anthony
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Rosenberg, Stanley C.
Finegold, Barry R.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Hedlund, Robert L.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. – 39.
Keenan, John F.	

NAYS – 0.

The yeas and nays having been completed at eight minutes past three o'clock P.M., the bill was passed to be engrossed. Sent to the House for concurrence.

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 Senate Bill to designate PANDAS/PANS Awareness Day (House, No. 2882) (the committee on Ethics and Rules 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 2254).

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

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 Third Reading to read as follows: "An Act designating October 9 as PANDAS/PANS Awareness Day".

Sent to the House for concurrence in the amendment.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill providing for the preservation and improvement of land, parks and clean energy in the Commonwealth (House, No. 4150) (the committee on Bonding, Capital Expenditures and State Assets having recommended that the bill be amended by substituting a new text numbered 2242) reported that the pending Bonding, Capital Expenditures and State Assets recommended new text (Senate, No. 2242) be amended by striking out the text and inserting in place thereof the text of Senate document numbered 2250 [Estimated cost: Bond Authorization: \$1,697,100,000.00].

Order Adopted.

Mr. Brewer offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill providing for the preservation and improvement of land, parks and clean energy in the Commonwealth (House, No. 4150) (the committee on Bonding, Capital Expenditures and State Assets 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 2242) (the committee on Ways and Means having recommended that the proposed Bonding new text be amended by substituting all after the enacting clause and inserting in place thereof the text of Senate document numbered 2250) shall be placed in the Orders of the Day for a second reading on Thursday, July 10, 2014. All amendments shall be filed electronically in the office of the Clerk of the Senate by 3:00 P.M., on Wednesday, July 9, 2014. All such amendments shall be second-reading amendments to the recommended Senate Ways and Means new text (Senate, No. 2250) but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

Under the rules, referred to the committee on Ethics and Rules.

Subsequently, Mr. Rosenberg, for the said committee, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Mr. Rosenberg, and the order was considered forthwith and adopted.

The bill (House, No. 3770) was then placed in the Orders of the Day for a second reading on Thursday, June 26, with the Bonding, Capital Expenditures and State Assets new text (Senate, No. 2218) and the Ways and Means new text (Senate, No. 2223) pending.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered as follows: The House Bill establishing a district to operate a regional public safety communications and dispatch center for the city of Revere and the town of Winthrop (House, No. 3936),-- was 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 House Bill relative to assisting individuals with autism and other intellectual or developmental disabilities (House, No. 4047),-- was read a second time.

After remarks, pending the question on adoption of the proposed Ways and Means new text (Senate, No. 2245), and pending the main question on ordering the bill to a third reading, Mr. Rush moved that the proposed new text be amended in section 1, in line 5, by striking out the words "34" and inserting in place thereof the words;- "35"; and in said item, in line 25, by inserting after the words "Inc." the following words;- "1 of whom shall have clinical knowledge of smith-magenis syndrome appointed by the commissioner of developmental services" and in said item in line 48, by inserting after the words "autism" the following words;- ", smith-magenis syndrome"

The amendment was adopted.

Mr. Rush moved that the proposed new text be amended in section 26, in line 292, by inserting after the word "autism" the following words;- ",smith-magenis syndrome".

After remarks, the amendment was adopted.

Mr. Richard T. Moore moved that the proposed new text be amended in section 24, in line 271, after the word "achievement." by inserting the following:- "All content taught as part of this specialization must be consistent with the requirements of the Individuals with Disabilities Education Act, 20 U.S.C. section 1400, for evidence based practices".

After remarks, the amendment was adopted.

Mr. Keenan moved that the proposed new text be amended in section 14, by inserting after the words "prior to issuing" in line 189, the following:- "or renewing".

The amendment was adopted.

Mr. Keenan moved that the proposed new text be amended in section 14, by striking out, in line 193, the words "an intellectual" and inserting in place thereof the following words:- "a developmental"; and by inserting after section 27 the following section:- "SECTION 27A. The department of developmental services and the department of mental health shall establish and implement a plan to provide services to individuals who have both a mental illness and a developmental disability and are also eligible for services from both the department of developmental services and the department of mental health. When developing the plan, the departments shall consider (i) ways to facilitate communication between the departments, (ii) protocols to determine which services shall be provided by which department and (iii) ways to ensure that an individual who is eligible for services from both departments receives all services for which an individual is eligible. The plan may include an interagency agreement as permitted under section 21 of chapter 19 of the General Laws.

The departments shall jointly file a report on the plan with the clerks of the senate and house of representatives, who shall forward the report to the house and senate chairs of the joint committee on mental health and substance abuse, the house and senate chairs of the joint committee on children, families and persons with disabilities, the house and senate chairs of the joint committee on health care financing, the chair of the senate committee on ways and means and the chair of the house committee on ways and means, not later than December 31, 2015."

After remarks, the amendment was adopted.

Mr. Keenan moved that the proposed new text be amended in section 1, by inserting after the words "public education," in line 50, the following:- "higher education,"; and in section 29 by inserting after the words "study the" in line 322, and after the word "such" in line 324, and after the word "appropriate" in line 327, in each instance, the following:- "higher education,".

The amendment was adopted.

Mr. Keenan moved that the proposed new text be amended by inserting after the word "physician" in line 78, the following:- "or a licensed psychologist".

After remarks, the amendment was adopted.

Ms. Chang-Diaz moved that the proposed new text be amended in section 32, in line 356, by replacing the words "January 1, 2015" with the following words:- "June 30, 2015".

The amendment was adopted.

Mr. Ross moved that the proposed new text be amended in section 1, in line 56, by inserting after the word "communities" the following:- "provided that, said commission shall investigate and make recommendations on establishing standards for the provision of services and supports, including, but not limited to contingency upon residency requirements".

After remarks, the amendment was *rejected*.

The Ways and Means amendment, as amended, was then adopted.

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

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-nine minutes past three o'clock P.M., on motion of Ms. Flanagan, as follows, to wit (yeas 40 - nays 0) **[Yeas and Nays No. 393]:**

YEAS.

Barrett, Michael J.

Kennedy, Thomas P.

Brewer, Stephen M.

Lewis, Jason M.

Brownsberger, William N.

Lovely, Joan B.

Candaras, Gale D.

McGee, Thomas M.

Chandler, Harriette L.

Montigny, Mark C.

Chang-Diaz, Sonia

Moore, Michael O.

Creem, Cynthia Stone	Moore, Richard T.
DiDomenico, Sal N.	Murray, Therese
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Petrucelli, Anthony
Eldridge, James B.	Rodrigues, Michael J.
Finegold, Barry R.	Rosenberg, Stanley C.
Flanagan, Jennifer L.	Ross, Richard J.
Forry, Linda Dorcena	Rush, Michael F.
Hedlund, Robert L.	Spilka, Karen E.
Humason, Donald F., Jr.	Tarr, Bruce E.
Jehlen, Patricia D.	Timilty, James E.
Joyce, Brian A.	Welch, James T.
Keenan, John F.	Wolf, Daniel A. – 40.

NAYS – 0.

The yeas and nays having been completed at twenty-five minutes before four o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment [For text of Senate amendment, see Senate, No. 2257]. Sent to the House for concurrence in the amendment.

Recess.

At sixteen minutes before four o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at thirteen minutes past four o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

The Orders of the Day were considered as follows:

The House Bill relative to juvenile life sentences (House, No. 4184, amended),-- was read a second time.

After remarks, pending the question on adoption of the proposed Ways and Means new text (Senate, No. 2246), and pending the main question on ordering the bill to a third reading, Ms. Spilka, Mr. Barrett, Ms. Chandler, Ms. Creem, Ms. Chang-Diaz, Mr. Eldridge, Ms. Jehlen, Messrs. Lewis, Donnelly and Wolf moved that the proposed new text be amended by striking out section 6 and inserting in place thereof the following section:-

"SECTION 6. Section 24 of chapter 279 of the General Laws, as so appearing, is hereby amended by adding the following paragraphs:-

In the case of a sentence to life imprisonment for murder in the first degree with either deliberately premeditated malice aforethought or with extreme atrocity or cruelty committed by a person on or after his fourteenth birthday and before his eighteenth birthday, the court shall fix a minimum term of not less than 18 years nor more than 22 years.

In the case of a sentence to life imprisonment for a murder in the first degree that resulted exclusively from the commission or attempted commission of a crime punishable with death or imprisonment for life committed by a person on or after his fourteenth birthday and before his eighteenth birthday, the court shall fix a minimum term of not less than 15 years nor more than 20 years." The amendment was *rejected*.

Ms. Spilka, Mr. Barrett, Ms. Chandler, Ms. Creem, Ms. Chang-Diaz, Mr. Eldridge, Ms. Jehlen, Messrs. Lewis, Donnelly and Wolf moved that the proposed new text be amended by striking out, in line 36, the words, "20 years nor more than 30 years", and inserting in place thereof the following:- "15 years nor more than 20 years".

The amendment was *rejected*.

Ms. Spilka, Mr. Barrett, Ms. Chandler, Ms. Creem, Ms. Chang-Diaz, Mr. Eldridge, Ms. Jehlen, Messrs. Lewis, Donnelly, Wolf and DiDomenico moved that the proposed new text be amended by striking section 2 and section 3 and by striking, in line 39, the words "Sections 2, 3 and 4" and inserting in place thereof the following:- "Section 4".

The amendment was adopted.

Messrs. Tarr and Welch moved that the proposed new text be amended in line 36 by striking out the words "20 years nor more than 30 years" and inserting in place thereof the following:- "35 years"

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at nine minutes before five o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 16 - nays 23) **[Yeas and Nays No. 394]:**

YEAS.

Candaras, Gale D.	Moore, Richard T.
Donoghue, Eileen M.	O'Connor Ives, Kathleen
Finegold, Barry R.	Pacheco, Marc R.
Hedlund, Robert L.	Ross, Richard J.
Humason, Donald F., Jr.	Rush, Michael F.
Kennedy, Thomas P.	Tarr, Bruce E.
Lovely, Joan B.	Timilty, James E.
Moore, Michael O.	Welch, James T. — 16.

NAYS.

Barrett, Michael J.	Jehlen, Patricia D.
Brewer, Stephen M.	Joyce, Brian A.
Brownsberger, William N.	Keenan, John F.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	Montigny, Mark C.

DiDomenico, Sal N.

Petrucelli, Anthony

Donnelly, Kenneth J.

Rodrigues, Michael J.

Downing, Benjamin B.

Rosenberg, Stanley C.

Eldridge, James B.

Spilka, Karen E.

Flanagan, Jennifer L.

Wolf, Daniel A. – 23.

Forry, Linda Dorcena

The yeas and nays having been completed at five minutes before five o'clock P.M., the amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting before section 1 the following new section:-

"SECTION 1. Section 130 of chapter 127 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following subsection:-

(b) No prisoner sentenced to life in prison for murder in the first degree committed before the person had attained the age of 18 shall be granted a parole permit unless such prisoner proves beyond a reasonable doubt the following:

(i) the prisoner did not exhibit the level of maturity and sense of responsibility of a typical adult at the time of the offense;

(ii) the offense is not evidence of a depraved character; and

(iii) the nature of the crime and circumstances of the offense demonstrate that continued imprisonment is unwarranted and disproportional. "

After debate, the amendment was *rejected*.

Messrs. Tarr and Richard T. Moore moved that the proposed new text be amended by inserting before section 1 the following section:-

"SECTION 1. Section 130 of chapter 127 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following subsection:-

(b) No prisoner sentenced to life in prison for murder in the first degree committed before the person had attained the age of 18 shall be granted a parole permit unless such prisoner proves beyond a reasonable doubt the following:

(i) The prisoner displayed factors of:

(a) Immaturity;

(b) Impetuosity; and

(c) Failure to appreciate risks and consequences."

The amendment was *rejected*.

Messrs. Tarr, Richard T. Moore and Welch moved that the proposed new text be amended in line 36, by striking out the words "20 years nor more than 30 years" and inserting in place thereof the following:- "25 years nor more than 35 years".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at five minutes past five o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 19 - nays 20) [**Yeas and Nays No. 395**]:

YEAS.

Brewer, Stephen M.

Moore, Michael O.

Candaras, Gale D.

Moore, Richard T.

Donoghue, Eileen M.

O'Connor Ives, Kathleen

Finegold, Barry R.

Pacheco, Marc R.

Flanagan, Jennifer L.

Ross, Richard J.

Hedlund, Robert L.

Rush, Michael F.

Humason, Donald F., Jr.

Tarr, Bruce E.

Kennedy, Thomas P.

Timilty, James E.

Lovely, Joan B.

Welch, James T. – **19.**

Montigny, Mark C.

NAYS.

Barrett, Michael J.

Jehlen, Patricia D.

Brownsberger, William N.

Joyce, Brian A.

Chandler, Harriette L.

Keenan, John F.

Chang-Diaz, Sonia

Lewis, Jason M.

Creem, Cynthia Stone

McGee, Thomas M.

DiDomenico, Sal N.

Petrucelli, Anthony

Donnelly, Kenneth J.

Rodrigues, Michael J.

Downing, Benjamin B.

Rosenberg, Stanley C.

Eldridge, James B.

Spilka, Karen E.

Forry, Linda Dorcena

Wolf, Daniel A. – **20.**

The yeas and nays having been completed at eight minutes past five o'clock P.M., the amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by striking section 7 in its entirety and inserting in place thereof the following:-

"SECTION 7. Sections 1, 5 and 6 shall apply to people who are sentenced to life imprisonment in the first degree committed by a person on or after the person's fourteenth birthday and before the person's eighteenth birthday regardless of the parole eligibility statute in effect on the date of his or her crime."; and

By inserting the following new section:-

"SECTION . If any provision or provisions of this act is or are deemed unconstitutional or inoperative by a by a final judgment, order or decree of the Supreme Court of the United State or the Supreme Judicial Court of the Commonwealth, the remain parts of said act shall not be affected thereby."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-four minutes past five o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 14 - nays 25) **[Yeas and Nays No. 396]:**

YEAS.

Candaras, Gale D.	O'Connor Ives, Kathleen
Finegold, Barry R.	Pacheco, Marc R.
Hedlund, Robert L.	Ross, Richard J.
Humason, Donald F., Jr.	Rush, Michael F.
Lovely, Joan B.	Tarr, Bruce E.
Moore, Michael O.	Timilty, James E.
Moore, Richard T.	Welch, James T. – 14.

NAYS.

Barrett, Michael J.	Jehlen, Patricia D.
Brewer, Stephen M.	Joyce, Brian A.
Brownsberger, William N.	Keenan, John F.
Chandler, Harriette L.	Kennedy, Thomas P.
Chang-Diaz, Sonia	Lewis, Jason M.
Creem, Cynthia Stone	McGee, Thomas M.
DiDomenico, Sal N.	Montigny, Mark C.
Donnelly, Kenneth J.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Spilka, Karen E.
Flanagan, Jennifer L.	Wolf, Daniel A. – 25.
Forry, Linda Dorcena	

The yeas and nays having been completed at twenty-seven minutes past five o'clock P.M., the amendment was *rejected*. Ms. Creem, Ms. Chang-Diaz, Messrs. Lewis and Eldridge moved that the proposed new text be amended by striking out sections 2 and 3; and in section 8 by striking out the words, "sections 2, 3 and", and inserting in place thereof the word "section". The amendment was *rejected*.

Ms. Forry and Mr. Eldridge moved that the proposed new text be amended by inserting at the end thereof the following new section:-

"SECTION ____ . Paragraph 4 of section 72B of chapter 119, as most recently amended by Chapter 84 of the Acts of 2013, is hereby further amended by striking out the word, 'eighteenth', and inserting in place thereof the word:- twenty-first.

The amendment was *rejected*.

Ms. Forry, Mr. Eldridge and Ms. Chandler moved that the proposed new text be amended, as follows:

"Chapter 72B of chapter 119 of the General Laws is further amended by adding the following to paragraph 4:

The Department of Corrections shall provide every juvenile convicted of first or second degree murder with timely and sufficient access to programming and treatment, including but not limited to, education, substance abuse, anger management, and vocational training. Further, if in accordance with the Department of Corrections' objective measures, the person qualifies for placement in a minimum security facility, such placement shall not be prohibited based on the nature or status of the offense or the juvenile's age at the time of the crime."

The amendment was adopted.

Mr. Eldridge, Ms. Spilka, Ms. Chandler, Ms. Creem, Mr. Donnelly, Ms. Chang-Diaz, Messrs. Wolf, Barrett and Lewis and Ms. Jehlen moved that the proposed new text be amended by inserting in section 6 the following new paragraph:-

"Any sentence imposed for offenses arising out of the same transaction and occurrence shall run concurrent with the governing sentence."

The amendment was *rejected*.

Ms. Chandler, Ms. Creem, Messrs. Barrett, Donnelly and Eldridge, Ms. Jehlen, Mr. Lewis, Ms. Spilka and Mr. Wolf moved that the proposed new text be amended by inserting after section ____, the following new sections:-

"SECTION ____ . Section 72B of chapter 119 of the General Laws, as most recently amended by Chapter 84 of the Acts of 2013, is hereby further amended by striking out the words, 'superior court', in paragraphs 1, 2, 3, and 5 and inserting in place thereof the words:- 'juvenile court department'.

SECTION ____ . Section 74 of said chapter 119, as most recently amended by Chapter 84 of the Acts of 2013, is hereby further amended by striking out paragraph 2.

SECTION ____ . Paragraph 4 of section 72B of chapter 119, as most recently amended by Chapter 84 of the Acts of 2013, is hereby further amended by striking out the word, 'eighteenth', and inserting in place thereof the word:- 'twenty-first'."

The amendment was *rejected*.

Ms. Creem, Mr. Barrett, Ms. Chandler, Mr. Eldridge, Ms. Jehlen, Mr. Lewis, Ms. Spilka and Mr. Wolf moved that the proposed new text be amended by inserting at the end thereof the following new section:-

"SECTION ____ . Section 133A of said chapter 127 of the General Laws, as appearing in the 2012 Official Edition, is hereby further amended by inserting at the end thereof the following new paragraph:-

If the prisoner is serving a life sentence for murder committed before his eighteenth birthday, the prisoner shall have the right to have appointed counsel at the parole hearing if deemed to be indigent and the right to funds for experts as determined by the standards under chapter 211D. Said board shall, at least 90 days before such hearing, notify the prisoner of these rights. Prior to the hearing, the parole board shall provide to the prisoner and his counsel, any and all documents to be considered by the parole board no later than 7 days prior to the hearing to allow adequate time for a written response if necessary. The parole board shall issue its decision no later than 60 days from the date of the hearing and shall provide a written decision that documents the basis for the decision."

The amendment was adopted.

Ms. Chandler, Ms. Creem, Mr. Barrett, Ms. Chang-Diaz, Mr. Eldridge, Ms. Jehlen, Mr. Lewis, Ms. Spilka and Mr. Wolf moved that the proposed new text be amended by inserting after section ____, the following new section:-

"SECTION ____ . Section 4 of chapter 27 of the General Laws, as appearing in the 2012 Official Edition, as so appearing, is hereby further amended by adding, at the end of the second paragraph thereof, the following:-

"Notwithstanding the above, the board shall include, at all times, at least one person with not less than ten years of experience and training in adolescent development and psychology. Said person shall be selected by either the panel or the governor from a list of proposed nominees provided by the following organizations: the Massachusetts chapter of the American Academy of Pediatrics; the New England Council of Child and Adolescent Psychiatry, Inc.; the Massachusetts Psychological Association, Inc.; the MA Psychiatric Society, and the Committee for Public Counsel Services."

The amendment was adopted.

Ms. Creem, Mr. Barrett, Ms. Chandler, Ms. Chang-Diaz, Mr. Eldridge, Ms. Jehlen, Mr. Lewis, Ms. Spilka and Mr. Wolf moved that the proposed new text be amended in section 7 by inserting, after the figure "1,", the figure "2, 3,,"; and in section 8 by striking out the words, "sections 2, 3 and", and inserting in place thereof the word "section".

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting before section 1 the following section:-

"SECTION 1. Section 130 of chapter 127 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after the word "released." in line 13 the following:-

In the case of prisoners who committed an offense on or after the person's fourteenth birthday and before the person's eighteenth birthday, the board shall also consider whether the prisoner displayed immaturity, impetuosity, or a failure to appreciate risks and consequences."

The amendment was *rejected*.

There being no objection, during consideration of the Orders of the Day, several matters were considered, to wit:

Reports of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill creating uniform beach warnings (Senate, No. 409),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2247).

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 Ways and Means

The bill (Senate, No. 2247) was then 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 Senate Bill relative to geography education (Senate, No. 2026),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2248).

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

The bill (Senate, No. 2248) was then 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 Senate Bill fueling job creation through energy efficiency (Senate, No. 177),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2255).

Under Senate Rule 26, referred to the committee on Ethics and Rules.

Subsequently, Mr. Rosenberg, for the said committee on Ethics and Rules, reported that the matter be placed in the Orders of the Day for immediate consideration on Thursday, July 10, 2014.

Placed in the Orders of the Day for Thursday, July 10, 2014, for a second reading with the Ways and Means amendment pending.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to uniform adult guardianship and protective proceedings jurisdiction (Senate, No. 2165),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2249).

Under Senate Rule 26, referred to the committee on Ethics and Rules.

Subsequently, Mr. Rosenberg, for the said committee on Ethics and Rules, reported that the matter be placed in the Orders of the Day for immediate consideration on Thursday, July 10, 2014.

Placed in the Orders of the Day for Thursday, July 10, 2014, for a second reading with the Ways and Means amendment pending.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill relative to juvenile life sentences (House, No. 4184, amended),-- was further considered, the main question being on ordering it to a third reading.

Mr. Welch moved that the proposed new text be amended in section 6 in line 36 by adding after the words "30 years" the following:- "; provided that, in the case of a sentence to life imprisonment for murder in the first degree with extreme atrocity or cruelty committed by a person on or after the person's fourteenth birthday and before the person's eighteenth birthday, the court shall fix a minimum term of 30 years".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at ten minutes past six o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 34 - nays 5) **[Yeas and Nays No. 397]:**

YEAS.

Barrett, Michael J.

Lewis, Jason M.

Brewer, Stephen M.

Lovely, Joan B.

Brownsberger, William N.

McGee, Thomas M.

Candaras, Gale D.

Montigny, Mark C.

Chandler, Harriette L.

Moore, Michael O.

DiDomenico, Sal N.	Moore, Richard T.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Petrucelli, Anthony
Finegold, Barry R.	Rodrigues, Michael J.
Flanagan, Jennifer L.	Rosenberg, Stanley C.
Hedlund, Robert L.	Ross, Richard J.
Humason, Donald F., Jr.	Rush, Michael F.
Jehlen, Patricia D.	Tarr, Bruce E.
Joyce, Brian A.	Timilty, James E.
Keenan, John F.	Welch, James T.
Kennedy, Thomas P.	Wolf, Daniel A. – 34.

NAYS.

Chang-Diaz, Sonia	Forry, Linda Dorcena
Creem, Cynthia Stone	Spilka, Karen E. – 5.
Eldridge, James B.	

The yeas and nays having been completed at thirteen minutes past six o'clock P.M., the amendment was adopted.
The Ways and Means amendment, as amended, was then adopted.
The bill, as amended, was then ordered to a third reading and read a third time.
After debate, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty minutes past six o'clock P.M., on motion of Mr. Brownsberger, as follows, to wit (yeas 37 - nays 2) [**Yeas and Nays No. 398**]:

YEAS.

Barrett, Michael J.	Lewis, Jason M.
Brewer, Stephen M.	Lovely, Joan B.
Brownsberger, William N.	McGee, Thomas M.

Candaras, Gale D.	Montigny, Mark C.
Chandler, Harriette L.	Moore, Michael O.
Creem, Cynthia Stone	Moore, Richard T.
DiDomenico, Sal N.	O'Connor Ives, Kathleen
Donnelly, Kenneth J.	Pacheco, Marc R.
Donoghue, Eileen M.	Petrucelli, Anthony
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Rosenberg, Stanley C.
Finegold, Barry R.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Hedlund, Robert L.	Spilka, Karen E.
Humason, Donald F., Jr.	Tarr, Bruce E.
Jehlen, Patricia D.	Timilty, James E.
Joyce, Brian A.	Welch, James T.
Keenan, John F.	Wolf, Daniel A. – 37.
Kennedy, Thomas P.	

NAYS.

Chang-Diaz, Sonia	Forry, Linda Dorcena – 2.
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The yeas and nays having been completed at twenty-two minutes past six o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment [For text of Senate amendment, see Senate, No. 2258]. Sent to the House for concurrence in the amendment.

Order Adopted.

On motion of Mr. Welch,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday next at one o'clock P.M., in a full formal session with a calendar.

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 Joseph Rebello.

Adjourn In Memory of Joseph J. Rebello

The Senator from Plymouth and Barnstable, Ms. Murray, moved that when the Senate adjourns today, it do so in memory of Joseph J. Rebello.

Joseph J. Rebello, retired Kingston Police Chief, died on June 29, 2014, while enjoying one of his great passions in life, riding his motorcycle. He was 55 years old. He is survived by his beloved wife of 29 years, Kathleen Rebello and his two children, Michael and Devin. He is also survived by his brother, Anthony A. Rebello and his wife, Ann Rebello, of Ponce Inlet, Florida; sister, Donna of Haymarket, Virginia; his brothers and sisters-in-law; mother-in-law; and sixteen nieces and nephews. Joe was born in Worcester, on November 29, 1958, to the late Beatrice and Joseph J. Rebello. He spent a few early years in Worcester, but lived the majority of his youth growing up in Belchertown. His desire to help people led him to a career in law enforcement, earning Bachelor and Masters Degrees from Curry College. He began his career as a CSO for the town of Amherst, and part-time police officer for the town of Belchertown, before obtaining a full-time position as a patrolman and then Sergeant at the University of Massachusetts, Amherst. He recently retired after a 33 year career, 23 of them serving as Chief of Police in the Massachusetts towns of Shutesbury, Monson, Stow, and Kingston. He was active within the law enforcement community and was past-president of both Massachusetts Chiefs of Police Association (2012) and New England Association of Chiefs of Police (2006).

Accordingly, as a mark of respect in memory of Joseph J. Rebello, at twenty-five minutes past six o'clock P.M., on motion of Ms. Murray, the Senate adjourned to meet again on Thursday next at one o'clock P.M.
