

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, October 24, 2013.

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

Distinguished Guests.

There being no objection, the President handed the gavel to Ms. Forry for the purpose of an introduction. Ms. Forry then introduced, in the rear of the Chamber, students visiting from Belvedere College in Dublin. The students are participants of the annual student exchange program with Boston College High School, another Jesuit school. They were accompanied by faculty members, Thomas Doyle and Eoghan Keogh, and the Vice Principal for Ignation Mission and Identity at BC High, Michael McGonagle. The group was welcomed with applause and withdrew from the Chamber. They were also guests of Senator Petrucci.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Joyce for the purpose of an introduction. Mr. Joyce then introduced, in the rear of the Chamber, the Oklahoma Insurance Commissioner, John D. Doak. Under his leadership, the Oklahoma Insurance Department has taken strides to reduce waste, streamline services and advocate on the behalf of Oklahoma citizens. He was accompanied by Wolfgang Ganz and Nicole Weber, members of the Hannover Re Group, one of the leading reinsurance groups in the world, which is headquartered in Germany. The Senate welcomed them with applause, Mr. Doak signed the guest book and they withdrew from the Chamber.

There being no objection, the President handed the gavel to Ms. Chandler for the purpose of an introduction. Ms. Chandler then introduced, in the rear of the Chamber, Deputy Chief Administrative Officer and Director of the Health and Human Services Agency for the County of San Diego, Nick Macchione. Mr. Macchione is in charge of implementing policy directives for an elected county board of supervisors and directs strategic planning for the county's health strategy agenda. He also oversees the operation of a 45-bed JACHO accredited Psychiatric Hospital and the 192-bed Edgemoor Skilled Nursing Facility. He is visiting Massachusetts this week to speak at the Harvard Kennedy School. He was accompanied by his son Nico. The Senate welcomed them with applause and they withdrew from the Chamber.

Communication.

Communication from the Honorable Bruce E. Tarr, Senate Minority Leader, announcing his re-appointment of Ms. Margo Chevers of Wales (pursuant to Section 69 of Chapter 3 of the General Laws) to the Commission on the Status of Grandparents Raising Grandchildren,-- **was placed on file.**

Report.

A report of the committee on Post Audit and Oversight (pursuant to Section 63 of Chapter 3 of the General Laws, as most recently amended by Chapter 557 of the Acts of 1986) submitting a report entitled "When Time Is of the Essence: A Review of Collection, Transport, Handling and Analysis of Sexual Assault Evidence Collection Kits and Toxicology Kits in Massachusetts" (Senate, No. 1900) (received Wednesday, October 23, 2013),— **was placed on file.**

Petitions.

Petitions were severally presented and referred as follows:

By Ms. Flanagan, a petition (accompanied by bill, Senate, No. 1893) of Jennifer L. Flanagan and Jonathan D. Zlotnik (with the approval of the mayor and city council) for legislation to authorize the city of Gardner to convey certain land to New England Power Company [Local approval received];

Under Senate Rule 20, to the committee on Municipalities and Regional Government.

By Mr. Rosenberg, a petition (accompanied by bill, Senate, No. 1894) of Stanley C. Rosenberg and Peter V. Kocot (with the approval of the mayor and city council) for legislation to exempt certain employees from the Northampton retirement system [Local approval received]; and

Under Senate Rule 20, to the committee on Public Service.

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 1889) of James E. Timilty and Denise C. Garlick (by vote of the town) for legislation to direct the division of capital asset management and maintenance to transfer certain parcels of land in the town of Medfield [Local approval received];

Under Senate Rule 20, to the committee on State Administration and Regulatory Oversight.

Severally sent to the House for concurrence.

By Mr. Joyce, a petition (subject to Joint Rule 12) of Brian A. Joyce, Gale D. Candaras, Claire D. Cronin, Ruth B. Balser and other members of the General Court for legislation to improve safety at Automated Teller Machines; and

By Ms. Lovely, a petition (subject to Joint Rule 12) of Joan B. Lovely and Jerald A. Parisella for legislation to authorize the secretary of the Massachusetts department of transportation to convey and acquire certain parcels of land in the city of Beverly;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Report of a Committee.

By Mr. Joyce, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate Bill relative to the Max Ulin rink (Senate, No. 1495, changed) ought to pass, with an amendment striking out in line 2 the words "Chapter 7" and inserting in place there of the words:- "Chapter 7C"; in subparagraph (d)(4) by striking out in lines 33 and 34 the words "and submitted proposal"; and in subparagraph (g) by inserting after the word "offeror" in line 62 the words "other than the town"; By the same Senator, for the same committee, that the Senate Bill authorizing the commissioner of Capital Asset Management and Maintenance to grant easements over certain parcels of land to the town of Amherst (Senate, No. 1531),-- ought to pass, with an amendment in section 1, by striking out in line 1, the words "Chapter 7" and inserting in place there of the words:- "Chapter 7C";

By the same Senator, for the same committee, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain property at Northampton State Hospital (Senate, No. 1532),-- ought to pass, with an amendment in section 2, by striking out in line 8 the words "Chapter 7" and inserting in place there of the words:- "Chapter 7C";

By the same Senator, for the same committee, that the Senate Bill designating and transferring certain land in the towns of Norfolk and Walpole for conservation, open space, water supply protection, and recreational purposes (Senate, No. 1560),-- ought to pass, with an amendment in section 3, by striking out in line 33, the words "Chapter 7" and inserting in place there of the words:- "Chapter 7C"; and in section 4, by striking out in line 70 the words "Chapter 7" and inserting in place there of the words:- "Chapter 7C".

Severally referred, under Senate Rule 27, 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. 1879), a Bill relative to simulcasting horse races in the Commonwealth (Senate, No. 1895); and

By Mr. McGee, for the committee on Transportation, on petition, a Bill to promote environmentally sound transportation of agricultural products (Senate, No. 1635);

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

By Ms. Forry, for the committee on Municipalities and Regional Government, on petition, a Bill relative to the town clerk in the town of Upton (Senate, No. 1855) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill to provide for sewer commissioners in the town of Wareham (Senate, No. 1856) [Local approval received];

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

By Ms. Forry, for the committee on Municipalities and Regional Government on petition, a Bill further regulating town meeting notices (Senate, No. 975);

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

Committees Discharged.

Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Resolutions urging the Census Bureau to provide redistricting data and the counting incarcerated persons (Senate, No. 309),-- and recommending that the same be referred to the committee on Ethics and Rules. Under Senate Rule 36, the report was considered forthwith and accepted.

PAPER FROM THE HOUSE

The following communication was received from the House of Representatives and placed on file, to wit:

A communication from the Speaker and Minority Leaders of the House of Representatives, informing the Senate of the following changes in Joint Committee assignments:

That the Speaker announced, under the provisions of Joint Rule 18A, the following appointments to fill vacancies in joint standing committees (effective October 9, 2013):

That Mr. Cullinane of Boston had been appointed to the ninth position on the committee on Children, Families and Persons with Disabilities; to the eighth position on the committee on Mental Health and Substance Abuse; and to the ninth position on the committee on Revenue;

That Mr. Donahue of Worcester had been appointed to the tenth position on the committee on Economic Development and Emerging Technologies, to the ninth position on the committee on Labor and Workforce Development; and to the ninth position on the committee on Tourism and Cultural Development; and

That Ms. Fiola of Fall River had been appointed to the eleventh position on the committee on Economic Development and the Emerging Technologies, to the ninth position on the committee on Mental Health and Substance Abuse; and to the ninth position on the committee on Public Service; and that

The Minority Leader announced (effective October 16, 2013) that, due to the resignation of former Representative Winslow of Norfolk, he had elevated Mrs. Harrington of Groton to the position of ranking Republican member on the committee on the Judiciary; and that he had appointed Mrs. Orrall of Lakeville to said committee to fill the vacancy.

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 four minutes past two o'clock P.M., the Senate reassembled, the President in the Chair.

The President, members, guests and staff 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. Lovely) "congratulating the Second Congregational Church of Beverly on its three hundredth anniversary"; and

Resolutions (filed by Ms. Spilka) "congratulating Mackenzie John Underwood on his elevation to the rank of Eagle Scout."

PAPERS FROM THE HOUSE.

The House Bill relative to making appropriations for the fiscal year 2013 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3707),-- came from the House with the endorsement that the House had concurred in the Senate amendments with further amendments in section 2 by inserting after item 8000-0600 the following item:

"Department of State Police

8100-1001..... \$40,000";

In section 2A by striking out item 7004-1000 and inserting in place thereof the following item:

"7004-1000 For the federal Low Income Home Energy Assistance Program 42 U.S.C. section 8621 et seq., to assist low-income elders, working families and other households with the purchase of heating oil, propane, natural gas, electricity and other primary or secondary heating sources; provided, that expenditure of these funds shall be made in accordance with the state plan submitted by the department of housing and community development for operation of the fiscal year 2014 program, in accordance with federal law.....\$20,000,000";

By inserting after section 24 the following section:

"SECTION 24A. The last sentence of section 206 of chapter 139 of the acts of 2012 is hereby amended by striking out the figure '2013' and inserting in place thereof the following figure:- 2014.";

By inserting after section 31, the following section:

"SECTION 31A. Item 2511-0100 of section 2 of chapter 38 of the acts of 2013 is hereby amended by inserting after the words 'commissions and committees chaired by the department' the following:- provided further, that the department of agricultural resources shall provide an updated cost estimate of the groundwater herbicide monitoring program study;.";

By inserting after section 37, the following section:

"SECTION 37A. Item 8100-1001 of section 2 of chapter 38 of the acts of 2013 is hereby amended by inserting after the words 'performed by state police officers' the following words:- ; provided further, that \$40,000 shall be made available for the town of North Attleboro to assist with the law enforcement expenses incurred as a result of the Odin Lloyd murder investigation;.";

By striking out section 43 and inserting in place thereof the following section:

“SECTION 43. Section 166 of chapter 38 of the acts of 2013 is hereby amended by striking out subsection (a) and inserting in place thereof the following:- (a) There shall be a special commission to make an investigation and study of the cost of administering early education and care services in the commonwealth and make recommendations to enhance said services where appropriate and necessary. The special commission shall consist of the commissioner of early education and care, who shall serve as chair; the secretary of administration and finance, or a designee; the house and senate chairs of the joint committee on education, or their designees; the house and senate chairs of the joint committee on children, families, and persons with disabilities, or their designees; the ranking minority members of the house and senate on the joint committee on education, or their designees; a member of the house of representatives appointed by the speaker of the house, a member of the senate appointed by the president of the senate; the child advocate, or a designee; the commissioner of elementary and secondary education, or a designee with experience in elementary school transition; the executive director of the Massachusetts Head Start Association, or a designee; a representative of the Massachusetts Early Education and Care Association; the commissioner of transitional assistance, or a designee; the commissioner of children and families, or a designee; and 3 members appointed by the governor, 1 of whom shall be a provider of early education and care, and 1 of whom shall be a social worker with experience in serving families with children; a representative of the Massachusetts Teachers Association; and a representative of the American Federation of Teachers-Massachusetts.”;

In section 52, in subsection (o), by inserting after the words “Corrections Officers,” the following:- NEPBA Local 550,;

By striking out section 56A and inserting in place thereof the following section:

“SECTION 56A. (a) Notwithstanding any general or special law to the contrary, the department of housing and community development may provide not more than \$20,000,000, as provided for in item 7004-1000, in advance funding to participating agencies that administer the federal Low Income Home Energy Assistance Program described in item 7004-2033 of section 2D of chapter 38 of the acts of 2013 for the purposes of operating the program in fiscal year 2014; provided, that the advanced funding shall be subject to the federal reimbursement of funds under said item 7004-2033 of said section 2D; provided further, that a portion may be expended for approved administrative costs consistent with the current or prior year’s state operation plan required by the federal program. The department and the eligible entities may, after November 1, 2013, expend a portion of these funds to assist low-income elders, working families and other households with the purchase of heating oil, propane and natural gas and electricity and other primary or secondary heating sources.

(b) Notwithstanding any general or special law to the contrary, upon receipt of \$20,000,000 of federal funds for the administration of the federal Low Income Home Energy Assistance Program pursuant to item 7004-2033 of section 2D of chapter 38 of the acts of 2013 and prior to complying with the provisions of said item 7004-2033 of said section 2D, the Comptroller shall transfer such amount from the General Fund to the Stabilization Fund, less any projected reversion from funds appropriated in item 7004-1000. Notwithstanding any general or special law to the contrary, the full expenditure of the program described by said item 7004-2033 of said section 2D of chapter 38 of the acts of 2013 shall not exceed the total amount of federal funds received in state fiscal year 2014.”;

By striking out section 57 and inserting in place thereof the following section:

“SECTION 57. Sections 1 to 2E, inclusive, 17 to 23, inclusive, 27 to 31, inclusive, 51, and 54 to 56, inclusive, shall take effect on June 30, 2013.”;

By striking out section 58 and inserting in place thereof the following section:-

“SECTION 58. Sections 3, 24, 31A, 32 to 44, inclusive, shall take effect on July 1, 2013.”; and

By striking out section 59.

The rules were suspended, on motion of Mr. Brewer, and the further House amendments were adopted, in concurrence.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Thomas Mulvey, an employee of the Department of Housing and Community Development (see House, No. 3447, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 12 to 0.

The bill was signed by the President and sent to the House for enactment.

Engrossed Bills.

The following engrossed bills (all of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Governor for his approbation, to wit:

Authorizing the town of Norfolk to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 307, amended);

Relative to the form of government in the town of Paxton (see House, No. 3533); and

Authorizing the town of Natick to grant a license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 3616).

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 Thomas M. McGee and Steven M. Walsh for legislation to establish a sick leave bank for Cynthia (Bouchard) White, an employee of the Trial Court.

Senate Rule 36 was suspended, on motion of Mr. Welch, 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.

Sent to the House for concurrence.

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered, as follows:
The Senate Bill authorizing the town of Topsfield to grant a license for the sale of wine to be drunk on the premises of a farmer-winery (Senate, No. 1790) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.
Pending the question on passing the bill to be engrossed, Ms. Lovely moved that the bill be amended in section 1, by striking out, in line 1, the words "11, 15, 15F, 17 and 19B" and inserting in place thereof the following words:- "11 and 17".

The amendment was adopted.

The bill (Senate, No. 1790, amended) was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill increasing the membership of the city of Lowell board of license commissioners from 3 to 5 members (Senate, No. 935) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time and passed to be engrossed.

Sent to the House for concurrence.

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Authorizing the board of assessors of the town of Newbury to grant an abatement of real estate taxes to certain Plum Island home owners for fiscal year 2013 (Senate, No. 1788);

Authorizing the town of Barnstable to lease land for use as a for-profit museum (House, No. 3521); and

Authorizing the town of Mashpee to convey an interest in certain town owned land to the town of Barnstable (House, No. 3579);

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

The Senate Bill to establish employment leave and safety remedies to victims of domestic violence, stalking and sexual assault (Senate, No. 853),-- was read a second time.

Pending the question on ordering the bill to a third reading, the amendment previously recommended by the committee on Ways and Means substituting a new draft entitled "An Act enhancing protection for victims of domestic violence" (Senate, No. 1892),-- was considered.

After remarks, Ms. Creem and Ms. Spilka moved that the proposed new draft be amended by striking out section 4 and inserting in place thereof the following section:-

"SECTION 4. Chapter 265 of the General Laws is hereby amended by striking out section 13M, as appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

Section 13M. (a) Whoever commits an assault or assault and battery on a family or household member shall be punished by imprisonment in the house of correction for not more than 2 ½ years or by a fine of not more than \$5,000 or both.

(b) Whoever is convicted of a second or subsequent offense of assault or assault and battery on a family or household member shall be punished by imprisonment in the house of correction for not more than 2½ years or by imprisonment in the state prison for not more than 5 years.

(c) For the purposes of this section, 'family or household member' shall be limited to persons who: (i) are married to each other or were married to each other within the 5 years preceding the date of the alleged offense; (ii) are residing together in the same household or were residing together in the same household within the 5 years preceding the date of the alleged offense; (iii) are related by blood; (iv) have a child in common; or (v) are or have been in a substantive dating or engagement relationship within the 5 years preceding the date of the alleged offense; provided, however, that in determining that relationship, the court shall consider the following factors: (1) the length of time of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time that has elapsed since the termination of the relationship.

(d) For any violation of this section, or as a condition of a continuance without a finding, the court shall order the defendant to complete a certified batterer's intervention program unless, upon good cause shown, the court issues specific written findings describing the reasons that batterer's intervention should not be ordered or unless the batterer's intervention program determines that the defendant is not suitable for intervention."

The amendment was adopted.

Messrs. Michael O. Moore and Montigny, Ms. Chandler, Ms. Donoghue and Mr. DiDomenico moved that the proposed new draft be amended by inserting after section 2, the following section:-

"SECTION 2A. Section 7 of chapter 209A of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 49 and 50, the words '\$25 that shall be transmitted to the treasurer for deposit into the General Fund' and inserting in place thereof the following words:- '\$50 to be expended for shelter and support services for people at risk of domestic violence in item 4800-3110 of the Massachusetts management and accounting reporting system, and \$25 that shall be transmitted to the treasurer for deposit into the General Fund.'; and by adding the following section:-

"SECTION 7. The department of children and families shall ensure that not less than the amount credited to the trust for private

donations under the fifth paragraph of section 7 of chapter 209A of the General Laws, and contained in item 4800-3110 of the Massachusetts management and accounting reporting system, shall be used to support domestic violence prevention services provided through item 4800-1400.”

After remarks, the amendment was adopted.

Ms. Donoghue moved that the proposed new draft be amended by adding the following section:-

“SECTION XX. Section 58A of chapter 276 of the General Laws, is hereby amended by adding after subsection (7), the following new subsection:-

(8) When, after a hearing pursuant to the provisions of subsection (4), detention pursuant to subsection (3) is ordered or pretrial release subject to conditions pursuant to subsection (2) is ordered, then --

(A) the clerk shall immediately notify the probation officer of the order; and

(B) the issuance of the order of detention pursuant to subsection (3) or order of pretrial release subject to conditions pursuant to subsection (2) shall be recorded in the defendant’s criminal record as compiled by the Commissioner of Probation pursuant to section 100 of chapter 276.”

After remarks, the amendment was adopted.

Mr. Keenan moved that the proposed new draft be amended by inserting after the word “witness” in line 70 the following: - “provided to police”.

The amendment was adopted.

Messrs. Tarr and Ross moved that the proposed new draft be amended by inserting after section 3 the following 2 sections:-

“SECTION 3A. Subsection (a) of section 3 of chapter 209C of the General Laws, as so appearing, is hereby amended by adding the following sentence:- No court shall make an order providing visitation rights to a parent who was convicted of rape and is seeking to obtain visitation with the child who was conceived during the commission of that rape.

SECTION 3B. The first paragraph of subsection (e) of section 10 of said chapter 209C, as so appearing, is hereby amended by adding the following sentence:- For the purposes of this section, if the child was conceived during the commission of a rape and the parent was convicted of said rape, said conviction shall be conclusive evidence of a serious incident of abuse by the convicted parent.”

The amendment was adopted.

Ms. Spilka moved that the proposed new draft be amended by inserting at the end thereof the following sections:-

“SECTION XX. Section 42A of Chapter 276 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended, in line 7, after the words ‘terms of’ by inserting the following: ‘bail or’.

SECTION XX. Section 58B of said Chapter 276 is hereby amended, in line 2, after the words ‘pursuant to’ by inserting the following: ‘section 42A or’.

SECTION XX. Section 58B of said Chapter 276 is hereby amended, in line 2, after the words ‘section 58A’; by inserting the following: ‘or section 87’.”

The amendment was adopted.

Mr. Montigny moved that the proposed new draft be amended in section 4, as amended, in proposed section 13M of chapter 265 of the General Laws by adding the following paragraph:-

“The court shall impose an assessment of \$300 against any person who has been referred to a certified batterer’s intervention program. Said assessment shall be in addition to the cost of the treatment program. The court may, at its discretion, reduce or waive such assessments, if the court finds that the person is indigent or that payment of the assessment would cause the person, or the dependents of the person, severe financial hardship. Assessments made pursuant to this paragraph shall be in addition to any other fines, assessments or restitution imposed in any disposition. All funds collected by the court pursuant to this paragraph shall not be transmitted to the General Fund of the commonwealth but shall be credited to item 4800-3110 of the Massachusetts management and accounting reporting system and shall be used by the department of children and families to support domestic violence prevention services.”; and by adding the following section:-

“SECTION XX. The department of children and families shall ensure that not less than the amount credited to the trust for private donations under the last paragraph of section 13M of chapter 265 of the General Laws, and contained in item 4800-3110 of the Massachusetts management and accounting reporting system, shall be used to support domestic violence prevention services provided through item 4800-1400.”

After remarks, the amendment was adopted.

Mr. Keenan moved that the proposed new draft be amended in line 93, by striking out the words “(ii) otherwise required by applicable federal or state law” and inserting in place thereof the following words: -

“(ii) ordered to be released by a court of competent jurisdiction;

(iii) otherwise required by applicable federal or state law; or

(iv) as required in the course of an investigation by the attorney general”.

The amendment was adopted.

Mr. Brewer moved that the proposed new draft be amended in section 1, by striking out, in line 29, the words:- “, with or without pay,”;

In said section 1, by inserting in subsection (b) of proposed section 52E of the General Laws, the following:- “The employer shall have sole discretion to determine whether any leave taken under this section shall be paid or unpaid.”; and

In said section 1, by striking out the figure “5”, in line 47, and inserting in place thereof the following:- “3”.

The amendment was adopted.

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

The bill (Senate, No. 1892, 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 nineteen minutes before three o'clock P.M., on motion of Ms. Clark, as follows, to wit (yeas 35 — nays 0) [Yeas and Nays No. 198]:
YEAS.

Barrett, Michael J. Lovely, Joan B.

Brewer, Stephen M. McGee, Thomas M.

Candaras, Gale D. Montigny, Mark C.

Chandler, Harriette L. Moore, Michael O.

Chang-Diaz, Sonia Moore, Richard T.

Clark, Katherine M. O'Connor Ives, Kathleen

Creem, Cynthia Stone Pacheco, Marc R.

DiDomenico, Sal N. Petrucci, 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.

Jehlen, Patricia D. Timilty, James E.

Joyce, Brian A. Welch, James T.

Keenan, John F. Wolf, Daniel A. — 35.

Kennedy, Thomas P.

NAYS — 0.

ABSENT OR NOT VOTING.

Brownsberger, William N. Hedlund, Robert L. — 3.

Donnelly, Kenneth J.

The yeas and nays having been completed at sixteen minutes before three o'clock P.M., the bill was passed to be engrossed [For text of bill, printed as amended, see Senate, No. 1897].

Sent to the House for concurrence.

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to parental leave (Senate, No. 865),-- ought to pass, with an amendment striking out, in lines 11 and 12, the following:- "or for the placement of a child with an employee pursuant to a court order".

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

The bill (Senate, No. 865, 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 seven minutes before three o'clock P.M., on motion of Mr. Joyce, as follows, to wit (yeas 35 — nays 0) [Yeas and Nays No. 199]:

YEAS.

Barrett, Michael J. Lovely, Joan B.

Brewer, Stephen M. McGee, Thomas M.

Candaras, Gale D. Montigny, Mark C.

Chandler, Harriette L. Moore, Michael O.

Chang-Diaz, Sonia Moore, Richard T.

Clark, Katherine M. O'Connor Ives, Kathleen

Creem, Cynthia Stone Pacheco, Marc R.

DiDomenico, Sal N. Petrucci, 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.

Jehlen, Patricia D. Timilty, James E.

Joyce, Brian A. Welch, James T.

Keenan, John F. Wolf, Daniel A. — 35.

Kennedy, Thomas P.

NAYS — 0.

ABSENT OR NOT VOTING.

Brownsberger, William N. Hedlund, Robert L. — 3.

Donnelly, Kenneth J.

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

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 Joan B. Lovely and Jerald A. Parisella for legislation to authorize the secretary of the Massachusetts department of transportation to convey and acquire certain parcels of land in the city of Beverly.

Senate Rule 36 was suspended, on motion of Ms. Lovely, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight.

Sent to the House for concurrence.

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 relative to combining the offices of town treasurer and town collector in the town of Dudley (House, No. 1833),-- was read a second time, ordered to a third reading read a third time and passed to be engrossed, in concurrence.

Moment of Silence.

At the request of the President, members, guests and staff stood in a moment of silence and reflection to the memory of Colleen Ritzer.

Recess.

There being no objection, at twelve minute past three o'clock P.M., the President declared a recess subject to the call of the Chair; and, at seven minutes past four o'clock P.M., the Senate reassembled, Ms. Flanagan in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

PAPERS FROM THE HOUSE

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill making appropriations for the fiscal year 2013 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 3707, published as amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 2 to 0.

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

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President (Ms. Flanagan) and laid before the Governor for his approbation.

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Thomas Mulvey, an employee of the Department of Housing and Community Development (see House, No. 3447, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Ms. Flanagan) and laid before the Governor for his approbation.

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 Colleen Ritzer

The President in the Chair, the Senator from Essex, Ms. Lovely, and the Senator from Essex and Middlesex, Mr. Finegold, requested that when the Senate adjourns today, it adjourn in memory of Colleen Ritzer.

Colleen grew up in Andover and attended the Sanborn Elementary School as well as the West Middle School. After graduating from Andover High School in 2007, Colleen enrolled at Assumption College, where she excelled in the study of mathematics. In 2011, she earned her bachelor's degree in mathematics, magna cum laude.

Those who were familiar with her "bubbly demeanor" in high school were not surprised by Colleen's decision to pursue a career in education. Smiling and beaming with enthusiasm, Colleen began teaching math at Danvers High School in August, 2012.

During Colleen's tenure at the High School, she was known not only for her teaching prowess, but also for the incredible level of support she showed for her students. Colleen went out of her way to always wish them good luck before their exams, and she was known to ease her students' frustrations with the occasional algebra joke. She pursued this talent in working with students by recently enrolling in a master's degree program in school counseling at Salem State University.

Beyond her professional accomplishments, Colleen was also a loving family member, the oldest of three siblings. Described as an "ice hockey nut," Colleen would excitedly watch her younger sister, Laura, play the sport. She also enjoyed spending time with her parents and her younger brother, Daniel.

Recently, on her Facebook page, Colleen referred to a quote from Ralph Waldo Emerson, that reads, "To know even one life has breathed easier because you have lived, this is to have succeeded." Today, as we honor the passing of Colleen, let us remember the many times she succeeded in her life, touching the lives of her students, her friends, and her family. It is at this time that Senator Lovely and Senator Finegold move that the Massachusetts Senate adjourns in honor of Colleen Ritzer, dedicated teacher

and loving young woman.

Ms. Flanagan in the Chair, accordingly, as a mark of respect in memory of Colleen Ritzer, at twelve minutes past four o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again Monday at eleven o'clock A.M.