

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.

Monday, November 4, 2013.

Met at two minutes past eleven o'clock A.M. (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).

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

Communication.

A communication from the Attorney General (pursuant to Section 91 of Chapter 238 of the Acts of 2012) submitting notice of her designated appointment to the Special Commission to conduct an investigation and study of the definition of independent contractors (received Thursday, October 31, 2013),-- **was placed on file.**

Petition.

Mr. Tarr presented a petition (accompanied by bill, Senate, No.1910) of Bruce E. Tarr and Bradford Hill (by vote of the town) for legislation to authorize the town of Ipswich to grant certain retroactive real estate tax abatements [Local approval received];
Under Senate Rule 20, referred to the committee on Revenue.
Sent to the House for concurrence.

Report of a Committee.

By Ms. Chang-Diaz, for the committee on Education on Senate Nos. 231, 251, 266, and 282 and House Nos. 363, 416, 438 and 484, a Bill to require all coaches to have cardiopulmonary resuscitation certification (Senate, No. 231);
Read and, under Senate Rule 27, referred to the committee on Ways and Means.

PAPERS FROM THE HOUSE.

Bills

Establishing a sick leave bank for Robert K. Barry, an employee of the Executive Office of Health and Human Services (House, No. 3668,-- on petition); and

Establishing a sick leave bank for Janet Soboleski, an employee of the Department of Mental Health (House, No. 3682,-- on petition);

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

A Bill authorizing the town of Andover to convey a certain parcel of land (House, No. 3483, changed,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Resolutions.

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

Resolutions (filed by Mr. Brewer) “congratulating the Massachusetts Geographic Alliance on its twenty-fifth anniversary”;
Resolutions (filed by Ms. Chandler and Mr. Michael O. Moore) “congratulating Robert L. Moylan, Jr., P.E. on his retirement as Commissioner of the Department of Public Works for the City of Worcester”;
Resolutions (filed by Ms. Chandler and Mr. Michael O. Moore) “congratulating the Higgins Armory Museum on its celebration of 83 years of Higgins History”; and
Resolutions (filed by Mr. Pacheco) “congratulating Our Lady of Lourdes School on its fiftieth anniversary.”

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered, as follows:
The House Bill authorizing the town of Avon to establish a department of public works (House, No. 3576),-- **was read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to the inspector of plumbing and gas fitting in the town of South Hadley (House, No. 3578),-- was read a third time and passed to be engrossed, in concurrence.

The House Bill authorizing the town of Mashpee to convey an interest in certain town owned land to the town of Barnstable (House, No. 3579),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Wolf presented an amendment striking out section 3 and inserting in place thereof the following section:-

“SECTION 3. No document or instrument conveying any interest in the property described in section 1 shall be valid unless the document or instrument: (a) provides that the interest shall be held and maintained by the town of Barnstable solely for open space, conservation and passive recreation purposes, consistent with section 8C of chapter 40 of the General Laws and Article 97 of the Amendments to the Constitution; and (b) is recorded simultaneously with an order of taking of a conservation restriction by the department of fish and game over the property without compensation. The department of fish and game may obtain a conservation restriction; provided, that it shall be consistent with a previous order of taking by the department on adjacent lands, dated June 27, 2002 and recorded in the Barnstable county registry of deeds at Book 15305, Page 123.”

The amendment was adopted.

**The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.
Sent to the House for concurrence in the amendment.**

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3738) of Thomas J. Calter and Therese Murray for legislation to establish a sick leave bank for Laureen Doolan, an employee of the Department of Correction,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Emergency Preamble Adopted.

An engrossed Bill financing the production and preservation of housing for low and moderate income residents (see House, No. 3492, 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.

Order Adopted.

On motion of Mr. Tarr,--

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.

Adjourn In Memory of Michael B. Freedman

The Senator from Middlesex, Mr. Barrett, and the Senator from Middlesex and Worcester, Mr. Eldridge, moved that when the Senate adjourns today, it do so in memory of Michael B. Freedman of Sudbury.

Michael B. Freedman of Sudbury lost his courageous battle with cancer this past June at the age of 62. Michael was a beloved husband, father, grandfather, uncle, brother and son. A marketing executive at Gillete for many years, Michael was a passionate soccer player and coach who shared his love of the game with his children. On May 18, 2014, Michael's family is hosting a soccer tournament to honor Michael's memory, with all proceeds going to benefit the Dana-Farber Cancer Institute.

Accordingly, as a mark of respect to the memory of Michael B. Freedman, at nine minutes past eleven o'clock A.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Thursday next at one o'clock P.M.