

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, November 14, 2013.

Met at one minute past one o'clock A.M. (Mr. Richard T. Moore in the Chair).

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced, in the rear of the Chamber, retired Army Major John J. Murphy of Boxford. John was born and raised in Boston and enlisted in the Massachusetts National Guard in 1938 at the age of 14 1/2. He was federalized into the US Army two years later and received his first wartime assignment on Pearl Harbor Day as a Guard at the Sagamore Canal at Cape Cod. John served our country for 23 years as a member of the National Guard, the Army and the Army Reserves. As a former member of the 26th Yankee Infantry Division of the Massachusetts National Guard, John has been working tirelessly to restore signage designating Route 128 as the Yankee Division Highway in honor of those who have served our country. The Senate applauded his service to the country and he withdrew from the Chamber. He was accompanied by his wife, Ethel; their sons, Robert and John; the Commander of Boxford's James L. Melvin American Legion Post 379, Ian Flitch; and Boxford Selectwoman Mary Anne Nay.

Petitions.

Petitions were severally presented and referred as follows:

By Ms. Candaras, a petition (subject to Joint Rule 12) of Gale D. Candaras and Joseph F. Wagner for legislation relative to charitable gaming; and

By Mr. Hedlund, a petition (subject to Joint Rule 12) of Robert L. Hedlund, Brian A. Joyce and Mark J. Cusack for legislation to establish a sick leave bank for Trina Higgins, an employee of the Trial Court;

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

Reports of a Committee.

By Mr. Wolf, for the committee on Labor and Workforce Development, on Senate No. 847 and House 1712, a Bill relative to economic stability for displaced service workers (Senate, No. 847);

By the same Senator, for the same committee, on Senate Nos. 850 and 871, a Bill relative to workers' compensation insurance (Senate, No. 850);

By the same Senator, for the same committee, on petition, a Bill relative to enhanced enforcement of civil penalties (Senate, No. 851); and

By the same Senator, for the same committee, on petition, a Bill to provide benefits for permanent functional loss and disfigurement under the Worker's Compensation Act (Senate, No. 861);

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

By Mr. Wolf, for the committee on Labor and Workforce Development, on petition, a Bill relative to private construction contracts (Senate, No. 869);

By Mr. McGee, for the committee on Transportation, on petition, a Bill to designate a certain bridge in the city of Boston, The Brigadier General William J. Gormley III Bridge (Senate, No. 1864); and

By the same Senator, for the same committee, on petition, a Bill to designate a certain bridge in the town of Barre as the Barre American Legion Bridge (Senate, No. 1874);

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

PAPERS FROM THE HOUSE.

A Bill encouraging the improvement, expansion and development of military installations in the Commonwealth (House, No. 3736, amended,-- on House, No. 3334),-- was read and, under Senate Rule 26C, referred to the committee on Bonding, Capital Expenditures and State Assets.

Bills

Establishing a sick leave bank for Anne Fiesinger, an employee of the Department of Conservation and Recreation (House, No. 3725, amended,-- on petition);

Relative to automotive repair (House, No. 3757,-- on House, No. 184); and

Relative to strengthening campaign finance reporting requirements (House, No. 3760,-- on House, No. 573);

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

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

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing the MetroWest commission on the status of women and girls (Senate, No. 1842),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 1920).**

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

The bill (Senate, No. 1920) was then ordered to a third reading, read a third time and, after remarks, was passed to be engrossed.

Sent to the House for concurrence.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:- Resolutions (filed by Ms. Candaras and Mr. Welch) "commemorating the centennial of the city of Springfield's Municipal Group";

Resolutions (filed by Mr. Tarr) "honoring the memory of Alphonse J. Swekla for a lifetime dedicated to education and service"; and

Resolutions (filed by Mr. Wolf) "commending BL Hathaway for her service and leadership to her community and the Commonwealth."

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Jason Saunders, an employee of the Department of Correction (see Senate, No. 1875), 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 5 to 0.**

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

An engrossed Bill establishing a sick leave bank for Jessica Culver, an employee of the Department of Mental Health (see Senate, No. 1888), 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 7 to 0.**

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

An engrossed Bill establishing a sick leave bank for Mary Ford, an employee of the Department of Correction (see House, No. 3620), 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 8 to 0.**

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

Engrossed Bills.

The following engrossed bills (the first three of which originated in the Senate), 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:

Maintaining short-term objectives for students with disabilities (see Senate, No. 218);

Authorizing the town of Topsfield to grant a license for the sale of wine to be drunk on the premises of a farmer-winery (see Senate, No. 1790, amended);

Exempting certain positions in the town of Millbury from the civil service laws (see Senate, No. 1791);

Relative to a form of governance for the Boston Housing Authority (see House, No. 1117);

Designating a certain parcel in the city of Cambridge as the Lynch Family Skate Park (see House, No. 2892); and

Relative to the disposal of certain real property in the town of Framingham (see House, No. 3512).

Matters 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 authorizing the town of Westborough to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3471, changed),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Eldridge moved that the bill be amended in section 1, by striking out, in lines 4 and 5, the words "to the Bay State Commons located at 12 Union street" and inserting in place thereof the following words:- "The license shall be restricted to a restaurant operating in the Downtown Planning Overlay District to promote downtown revitalization and economic vitality"; and in said section 1, by striking out the words "any other location", inserted by house amendment, and inserting in place thereof the following words:- "a location outside the Downtown Planning Overlay District".

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.

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Authorizing the town of Andover to convey a certain parcel of land (House, No. 3483, changed); and

Relative to the Cohasset Board of Sewer Commissioners (House, No. 3671);

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

Reports of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to cardiopulmonary resuscitation certification for athletic coaches (Senate, No. 231),- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 1918).

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

The bill (Senate, No. 1918) 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 nine minutes before three o'clock P.M., on motion of Mr. Downing, as follows, to wit (yeas 35 — nays 0) [Yeas and Nays No. 206]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.

Brewer, Stephen M. Lovely, Joan B.

Brownsberger, William N. McGee, Thomas M.

Candaras, Gale D. Montigny, Mark C.

Chandler, Harriette L. Moore, Michael O.

Chang-Diaz, Sonia Moore, Richard T.

Creem, Cynthia Stone O'Connor Ives, Kathleen

DiDomenico, Sal N. Pacheco, Marc R.

Donnelly, Kenneth J. Rodrigues, Michael J.

Donoghue, Eileen M. Rosenberg, Stanley C.

Downing, Benjamin B. Ross, Richard J.

Finegold, Barry R. Rush, Michael F.

Flanagan, Jennifer L. Spilka, Karen E.

Forry, Linda Dorcena Tarr, Bruce E.

Hedlund, Robert L. Timilty, James E.
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. – 35.
Keenan, John F.

NAYS – 0.

ABSENT OR NOT VOTING.

Clark, Katherine M. Petruccelli, Anthony – 3.
Eldridge, James B.

The yeas and nays having been completed at six minutes before three o'clock P.M., the bill (Senate, No. 1918) was 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 newborn pulse oximetry screenings for congenital heart defects (Senate, No. 1008),- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 1919).

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

Pending the question on adoption of the Ways and Means amendment, Mr. Keenan moved that the propose new draft be amended in section 3, by striking out the date "July 1, 2014" and inserting in place thereof the following date:- "January 1, 2015"

The amendment was adopted.

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

The bill (Senate, No. 1919, 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 three minutes past three o'clock P.M., on motion of Mr. Downing, as follows, to wit (yeas 37 — nays 0) [Yeas and Nays No. 207]:

YEAS.

Barrett, Michael J. Kennedy, Thomas P.
Brewer, Stephen M. Lovely, Joan B.
Brownsberger, William N. McGee, Thomas M.
Candaras, Gale D. Montigny, Mark C.
Chandler, Harriette L. Moore, Michael O.
Chang-Diaz, Sonia Moore, Richard T.
Creem, Cynthia Stone Murray, Therese
DiDomenico, Sal N. O'Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Rodrigues, Michael J.
Downing, Benjamin B. Rosenberg, Stanley C.
Eldridge, James B. Ross, Richard J.
Finegold, Barry R. Rush, Michael F.
Flanagan, Jennifer L. Spilka, Karen E.
Forry, Linda Dorcena Tarr, Bruce E.
Hedlund, Robert L. Timilty, James E.
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. – 37.

Keenan, John F.

NAYS – 0.

ABSENT OR NOT VOTING.

Clark, Katherine M. Petruccelli, Anthony – 2.

The yeas and nays having been completed at five minutes past three o'clock P.M., the bill (Senate, No. 1919, amended) was passed to be engrossed.

Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill to provide further revenue to the Financial Literacy Trust Fund (Senate, No. 1337),- ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Finegold, 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 eleven minutes past three o'clock P.M., on motion of Mr. Finegold, as follows, to wit (yeas 36 — nays 0) [Yeas and Nays No. 208]:

YEAS.

Barrett, Michael J. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
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. Rodrigues, Michael J.
Downing, Benjamin B. Rosenberg, Stanley C.
Eldridge, James B. Ross, Richard J.
Finegold, Barry R. Rush, Michael F.
Flanagan, Jennifer L. Spilka, Karen E.
Forry, Linda Dorcena Tarr, Bruce E.
Hedlund, Robert L. Timilty, James E.
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. – 36.
NAYS – 0.
ABSENT OR NOT VOTING.
Clark, Katherine M. Petrucci, Anthony – 2.

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

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill preventing discrimination based on veteran's status (Senate, No. 1898),- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 1921).
There being no objection, the rules were suspended, on motion of Mr. Joyce, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.
The bill (Senate, No. 1921) 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 seventeen minutes past three o'clock P.M., on motion of Mr. Joyce, as follows, to wit (yeas 37 — nays 0) [Yeas and Nays No. 209]:
YEAS.

Barrett, Michael J. Kennedy, Thomas P.
Brewer, Stephen M. Lovely, Joan B.
Brownsberger, William N. McGee, Thomas M.
Candaras, Gale D. Montigny, Mark C.
Chandler, Harriette L. Moore, Michael O.
Chang-Diaz, Sonia Moore, Richard T.
Creem, Cynthia Stone Murray, Therese
DiDomenico, Sal N. O'Connor Ives, Kathleen
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Rodrigues, Michael J.
Downing, Benjamin B. Rosenberg, Stanley C.
Eldridge, James B. Ross, Richard J.
Finegold, Barry R. Rush, Michael F.
Flanagan, Jennifer L. Spilka, Karen E.
Forry, Linda Dorcena Tarr, Bruce E.
Hedlund, Robert L. Timilty, James E.
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. – 37.
Keenan, John F.
NAYS – 0.
ABSENT OR NOT VOTING.
Clark, Katherine M. Petrucci, Anthony – 2.

The yeas and nays having been completed at twenty minutes past three o'clock P.M., the bill (Senate, No. 1921) was passed to be engrossed.
Sent to the House for concurrence

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Maritza Miranda, an employee of the Department of Children and Families (House, No. 3693),- ought to pass.
There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.
Matters 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 the powers and duties of the Town Manager of the town of Hanover (House, No. 3543),-- was read a

third time and passed to be engrossed.

Recess.

There being no objection, twenty-four 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 eleven minutes before five o'clock P.M., the Senate reassembled, the President in the Chair.

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, under the provisions of Senate Rule 19, a Committee Bill to restore the minimum wage (Senate, No. 1925).

The bill was read.

Order Adopted.

Mr. Brewer offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Committee Bill to restore the minimum wage (Senate, No. 1925) (the committee on Ways and Means having reporting out said committee bill under Senate Rule 19) shall be placed in the Orders of the Day for a second reading on Tuesday, November 19, 2013.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 2:00 P.M., on Monday, November 18, 2013. All such amendments shall be second-reading amendments to Committee Bill (Senate, No. 1925) 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. Wolf, and the order was considered forthwith.

After debate, the order was adopted by a vote of 24 to 3.

The bill was placed in the Orders of the Day for Tuesday, November 18, 2013.

Order Adopted.

On motion of Mr. Wolf,--

Ordered, That when the Senate adjourns today, it adjourn to meet 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 Senator Frederic W. Schlosstein

The Senator from Worcester, Hampden, Hampshire and Middlesex, Mr. Brewer, moved that when the Senate adjourns today, it do so in memory of former Senator Frederic W. Schlosstein, Jr..

Frederic W. Schlosstein, Jr. passed away on Thursday, November 7, 2013 at the age of 90. A dedicated public servant, he served in the Massachusetts House of Representatives from 1965 to 1972, and subsequently was elected as State Senator for the Massachusetts Senate where he served from 1973 to 1978. Prior to serving in the legislature, he was a combat veteran of World War II serving with the Air Corps and was the Treasurer and Collector of Taxes for the town of Warren.

He was the loving and devoted husband to Anne F. Nelligan who preceded him in death in 2012 and a loving father to Susan Vertefeuille and Marianne Donahue. Senator Schlosstein exemplified the role of public service in war and in peace and will be remembered fondly by his friends, family and the people of Central Massachusetts for his intelligence, honesty and willingness to help.

Accordingly, as a mark of respect to the memory of Senator Frederic W. Schlosstein, Jr., at twenty-two minutes past five o'clock P.M., on motion of Mr. McGee, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.