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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, January 23, 2014.

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. Creem for the purpose of an introduction. Ms. Creem then introduced, Mark Ludwig from Brookline. Mr. Ludwig is an outstanding violinist and a member of the Boston Symphony Orchestra viola section. He is also a Holocaust scholar and founding director of the Terezin Music Foundation, a non-profit organization dedicated to preserving the musical legacy of musicians and composers lost in the Holocaust by commemorating those composers and bringing their music to life for us. Mr. Ludwig was presented with a Senate citation on the rostrum and played a lullaby on his violin created by a Terezin Holocaust victim. He was applauded for his accomplishments and withdrew from the Chamber. He was accompanied by his wife, Kate Gascoigne, his daughter, Sarah Ludwig and friends, Juile-Ann White, Dr. David Post, Cynthia Curme and Edgar Krasa, a Holocaust survivor.

Communications.

The following communications were severally received and placed on file:

Communication from the Honorable Therese Murray, President of the Senate, announcing the appointment of Senators Daniel A. Wolf and Michael O. Moore (pursuant to Section 7 of Chapter 23H of the General Laws) to the Massachusetts Workforce Investment Board; and

Communication from the Honorable Bruce E. Tarr, Senate Minority Leader, announcing the appointment of Selectman Michael Champoux of Wilmington as his designee (pursuant to Section 183 of Chapter 38 of the Acts of 2103) to the Public Private Partnership Commission.

Report.

A report of the Special Commission on Public Employees' Pension Classification System (under the provisions of Section 56 of Chapter 176 of the Acts of 2011) submitting its report on public employees' pension classifications (received November 25, 2013),-- **was placed on file.**

Reports of Committees.

By Mr. Pacheco, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill to promote healthy communities and the environment (Senate, No. 349);

Referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Pacheco, for the committee on Environment, Natural Resources and Agriculture on petition, a Bill relative to requiring recycling in state buildings (Senate, No. 398);

By the same Senator, for the same committee, on petition (accompanied by bill Senate, No. 347), a Bill to designate conservation

districts as bodies politic and corporate, and granting them real property authority (Senate, No. 1986);

By Mr. Brownsberger, for the committee on Public Service, on petition, a Bill to establish a sick leave bank for Debra Saverse, an employee of the Department of Revenue (Senate, No. 1984);

By Mr. Donnelly, for the committee on the State Administration and Regulatory Oversight, on petition, a Bill to uphold bidding integrity in the Commonwealth (Senate, No. 1470);

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

By Mr. Donnelly, for the committee on State Administration and Regulatory Oversight, on Senate No. 1563 and House No. 2808, a Bill to create an annual Service and Volunteerism day (Senate, No. 1563); and

By the same Senator, for the same committee, on petition (accompanied by bill Senate, No. 1458), a Bill relative to local commissions on disability (Senate, No. 1985);

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

By Ms. Forry, for the committee on Municipalities and Regional Government, on petition, a Bill to authorize the board of selectmen to exempt certain eco-toilet installations from sewer connections and associated betterments in the town of Falmouth (Senate, No. 1938) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill to regulate sewer service area betterment assessments in the town of Falmouth (Senate, No. 1939) [Local approval received];

By the same Senator, for the same committee, on Senate Nos. 1940 and 1941, a Bill relative to further amend Chapter 654 of the Acts of 1975 (Senate, No. 1941, changed by inserting after section 1 the following section:

“SECTION 2. Chapter 654 of the Acts of 1975 is hereby further amended by adding in Section 10 of said Chapter the following: Section 10(A) No application which has been denied by the commission shall be approved within one year after the date of final unfavorable action unless the commission finds 4/5 vote, specific and material changes in the condition upon which the previous denial was based. Public notice shall be given of the time and place of the meeting when the question of such consent will be considered.”) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill to authorize the town of Westport to lease a certain parcel of land (Senate, No. 1961)[Local approval received];

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

PAPERS FROM THE HOUSE

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 3862) of Danielle W. Gregoire, Thomas P. Conroy and James B. Eldridge (with the approval of the mayor and city council) that the city of Marlborough be authorized to establish a parks and field capital enhancements fund from a portion of the meals tax received annually by said town; and

Petition (accompanied by bill, House, No. 3863) of Frank I. Smizik and Cynthia S. Creem (by vote of the town) that the town of Brookline be authorized to issue a lease of air rights over a certain portion of town owned land;

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3864) of Kay Khan and others (with the approval of the mayor and board of aldermen) that the city of Newton be authorized to appoint retired police officers as special police officers;

To the committee on Public Service.

A Bill authorizing the town of Stoneham to establish a special fund for the collection and disposal of trash (House, No. 3744,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Report of the committee on Environment, Natural Resources and Agriculture asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 678) of Tackey Chan and others relative to establishing a special commission (including members of the General Court) to make an investigation and study concerning cytotoxic drugs in the environment,-- **and recommending that the same be referred to the committee on Public Health,- was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

There being no objection, at one minute past one o'clock P.M., the Chair (Mr. Richard T. Moore) declared a recess subject to the call of the Chair; and, at six 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 severally considered forthwith and adopted, as follows:-

Resolutions (filed by Mr. Humason) “congratulating Robert D. Campbell on his retirement as Chief of the Agawam Police Department”; and

Resolutions (filed by Mr. Timilty) “Congratulating Gilda Pellegrini Barr on her one hundredth birthday.”

PAPERS FROM THE HOUSE.

The following House Order (approved by the House committee on Rules) was considered forthwith, as follows, to wit:

Ordered, That notwithstanding the provisions of an order previously adopted, inasmuch as relates to the House of Representatives and the Senate, the convention of the two branches scheduled for a quarter before seven o'clock P.M. this evening, for the purpose of receiving such communication as Governor Deval L. Patrick may be pleased to make to them relating to the concerns of the Commonwealth, having been postponed by His Excellency the Governor, shall be rescinded.

The rules were suspended, on motion of Ms. Spilka, and the order was adopted, in concurrence.

Engrossed Bills.

The following engrossed bills (the first 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:

Authorizing the board of assessors of the town of Newbury to grant an abatement of real estate taxes to certain Plum Island homeowners for fiscal year 2013 (see Senate, No. 1909);

Exempting David Eddy from the maximum age requirement for firefighters in the city of Methuen (see House, No. 2226); and

Relative to water service in the town of Somerset (see House, No. 3618, amended).

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 Richard T. Moore and Ryan C. Fattman for legislation to authorize the Wilkinsonville Water District to convey a certain parcel of land.

The rules were suspended, on motion of Mr. Richard T. Moore, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Municipalities and Regional Government.

Sent to the House for concurrence.

Orders of the Day.

The Orders of the Day and considered as follows:

Bills

Exempting the Harbor and Shellfish Advisory Board membership from conflict of interest regarding discussion of shellfish licensing (Senate, No. 979);

Authorizing the town of Dedham to grant 3 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3614);

Authorizing the town of Orleans to grant an additional liquor license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 3622);

Authorizing the town of Ashland to establish an enterprise fund (House, No. 3627);

Relative to the town of Dennis Barrier Beach Protection Stabilization Fund (House, No. 3630);

Authorizing the town of Burlington to grant additional alcoholic beverages licenses (House, No. 3688, changed);

Authorizing the town of Dartmouth to accept certain roadways as public ways (House, No. 3697);

Authorizing the city of Beverly to issue additional liquor licenses (House, No. 3739);

Authorizing the town of Hadley to grant 6 additional licenses for the sale of all alcoholic beverages and 6 additional licenses for the sale of wines and malt beverages to be drunk on the premises (House, No. 3790); and

Relative to the withdrawal of the town of Worthington from the Gateway Regional School District (House, No. 3815);

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

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill clearing titles to foreclosed properties (Senate, No. 1953),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 1987).**

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

Pending the question on adoption of the Ways and Means new draft, Mr. Keenan moved that the pending new draft be amended by inserting the following new section:-

“SECTION 5. Section 6D of Chapter 183 of the Massachusetts General Laws is hereby amended by adding the following paragraph:-

Each assignment of mortgage secured by residential property, as defined in said Section 1 of Chapter 255E, shall be forwarded within 30 days of the date of execution of said assignment to the appropriate registry district for recording.”

The amendment was *rejected*.

The pending Ways and Means new draft was then considered; and it was adopted.

After remarks, the bill (Senate, No. 1987) was ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-nine minutes before three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 239**]:

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. | 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. |

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| Humason, Donald, Jr. | Timilty, James E. |
| Jehlen, Patricia D. | Welch, James T. |
| Joyce, Brian A. | Wolf, Daniel A. – 38. |

NAYS – 0.

The yeas and nays having been completed at twenty-six minutes before 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 House Bill encouraging the improvement, expansion and development of military installations in the Commonwealth (House, No. 3736)(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 documents numbered 1982),-- **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate documents numbered 1988.**

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

The amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets was considered; and it was *rejected*.

After debate, the Ways and Means amendment was considered; and it was adopted.

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

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-five minutes past three o'clock P.M., on motion of Mr. Brewer, as follows, to wit (*yeas 37 — nays 2*) [**Yeas and Nays No. 240**]:

YEAS.

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

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| 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, Jr. | Timilty, James E. |
| Joyce, Brian A. | Welch, James T. |
| Keenan, John F. | Wolf, Daniel A. – 37. |
| Kennedy, Thomas P. | |

NAYS.

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| Eldridge, James B. | Jehlen, Patricia D. – 2. |
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**The yeas and nays having been completed at twenty-eight minutes past three o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment.
Sent to the House for concurrence in the amendment.**

PAPER FROM THE HOUSE

House Order.

The following House Order (approved by the House committee on Rules) was considered forthwith, as follows, to wit:
Ordered, That a convention of the two branches be held at a quarter before seven o'clock P.M., on Tuesday, January 28, 2014, for the purpose of receiving such communication as the Governor, Deval L. Patrick may be pleased to make to them relating to the concerns of the Commonwealth.

The rules were suspended, on motion of Mr. Richard T. Moore, and the order was adopted, in concurrence.

Time of Meeting.

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

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o'clock A.M., and the Clerk be directed to dispense with a calendar.

Adjourn in Honor of International Holocaust Remembrance Day

The Senator from Middlesex and Norfolk, Ms. Creem, moved that when the Senate adjourns today, it adjourn in honor of the January 27, 1945 Liberation of Auschwitz-Birkenau, the largest Nazi Death Camp.

In 2005, the United Nations General Assembly designated January 27 as International Holocaust Remembrance Day (IHRD), an annual day of commemoration to honor the victims of the Nazi era.

The U.N.'s International Holocaust Remembrance Day resolution rejects denial of the Holocaust, and condemns discrimination and violence based on religion or ethnicity.

Accordingly, as a mark of respect in honor of International Holocaust Remembrance Day, at twenty-nine minutes before four o'clock PM, on motion of Mr. Brewer, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.