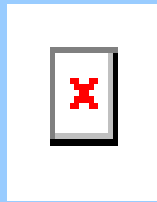


NOTICE: - While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **not** been proofread against the events of the session for this day. All information 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, March 6, 2014.

Met at four minutes past one o'clock P.M. (Mr. Richard T. Moore in the Chair).

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Rush for the purpose of an introduction. Mr. Rush then introduced, on the Rostrum, Irish Consul General of Boston Breandán Ó Caollai and his wife Callan. Breandán, of Dublin Ireland, has served his country in the headquarters of the Department of Foreign Affairs and Trade, including working in the Anglo-Irish Division, the Irish Aid/Development Cooperation Division and the Administration Division. Prior to serving in Boston, he served in the consulate office in New York, was a DFAT press officer, served in the Irish Embassies in Italy and London and has been a representative to the European Union. Consul General Ó Caollai briefly addressed the Chamber. He was accompanied by the world renowned Boston Police Gaelic Column who performed an Irish song. The world renowned Pipers have been performing since 1992 and dedicated to preserving the traditional music of Gaelic culture. Consul General Ó Caollai and his wife, Callan, signed the guest book and, along with the Boston Police Gaelic Column, withdrew from the Chamber.

Reports.

The following reports were severally received and placed on file, to wit:

Report of the Special Commission on Tax Fairness (under the provisions of Section 77 of Chapter 46 of the Acts of 2013) submitting its report on the tax laws and policies of the commonwealth (received Friday, February 28, 2014); and
Report of the Department of Telecommunications and Cable (under the provisions of Section 2 of Chapter 166A of the General Laws) submitting its report relative to appeals concerning cable television regulations (copies having been forwarded to the Senate Chair of the joint committee on Telecommunications, Utilities and Energy and the Senate Chair of the committee on Ways and Means) (received March 5, 2014).

Petition.

Mr. Brewer presented a petition (subject to Joint Rule 12) of Stephen M. Brewer and Anne M. Gobi (by vote of the town) for legislation relative to authorizing the transfer of certain parcels of land in the town of Hubbardston [Local approval received],-- and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Mr. Downing, for the committee on Telecommunications, Utilities and Energy, on Senate, Nos. 1567, 1568, 1569, 1570, 1574, 1575, 1578, 1581, 1583, 1584, 1587, 1602, 1603, 1607, 1608, 1609, 1610 and 1615, an Order relative to authorizing the joint committee on Telecommunications, Utilities and Energy to make an investigation and study of certain current Senate documents relative to telecommunications, utilities and energy issues (Senate, No. 2024) (Representative DiNatale of Fitchburg dissenting);

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

By Ms. Chang-Diaz, for the committee on Education, on Senate Nos. 208 and 283 and House Nos. 338, 341, 350, 368, 376, 523, 524, 525 and 3290, a Bill relative to dropout prevention and recovery (Senate, No. 208);

By the same Senator, for the same committee, on petition (accompanied by bill Senate, No. 200), a Bill relative to geography education (Senate, No. 2026);

By the same Senator, for the same committee, on Senate Nos. 203, 213 and 254 and House Nos. 330, 422, 465, 472, 513 and 535, a Bill to involve youth in civic engagement (Senate, No. 2027);

By Mr. Rodrigues, for the committee on Revenue, on petition, a Bill to improve the earned income tax credit for working families (Senate, No. 1317);

By the same Senator, for the same committee, on petition, a Bill to authorize voluntary income tax return contributions to the Massachusetts Fire Fighters Academy Trust Fund (Senate, No. 1400);

By the same Senator, for the same committee, on petition, a Bill to equalize the quarterly payments of excise taxes (Senate, No. 1401); and

By Mr. Downing, for the committee on Telecommunications, Utilities and Energy on Senate No. 1586 and House No. 2741, a Bill to further promote energy efficiency and green jobs (Senate, No. 2025) (Representative Chan of Quincy, Representative DiNatale of Fitchburg and Representative Hunt of Sandwich dissenting);

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

By Mr. Rodrigues, for the committee on Revenue, on petition (accompanied by bill Senate, No. 1383), a Bill relative to supplemental real estate taxes (Senate, No. 2031);

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

By Mr. Rodrigues, for the committee on Revenue, on petition, a Bill to authorize the town of Milton to assess an additional amount of real estate and personal property taxes (Senate, No. 1872) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill to authorize the town of Ipswich to grant certain retroactive real estate tax abatement (Senate, No. 1910) [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. 3928) of Aaron Vega and Donald F. Humason, Jr. that the city of Holyoke be authorized to grant 6 additional licenses for the sale of all alcoholic beverages and 7 additional licenses of wines and malt beverages to be drunk on the premises;

To the committee on Consumer Protection and Professional Licensure..

Petition (accompanied by bill, House, No. 3929) of Paul McMurtry and Michael F. Rush (by vote of the town) for legislation to revise the charter of the town of Dedham;

To the committee on Municipalities and Regional Government..

A Bill providing for capital facility repairs and improvements for the Commonwealth (House, No. 3933,-- on House, No. 3335),-- **was read and, under Senate Rule 26C, referred to the committee on Bonding, Capital Expenditures and State Assets. .**

A Bill authorizing the Department of Fish and Game to exchange a certain parcel of land in the town of Grafton (House, No. 3775, amended,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means..**

A Communication of proposed amendments to the declaration of trust adopted by the Health Care Security Trust Board of Trustees pursuant to Chapter 29D, Section 4(a) of the Massachusetts General Laws (accompanied by bill, House, No. 3927),-- **was referred, in concurrence, to the committee on Health Care Financing. .**

There being no objection, at five 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 seventeen minutes before three 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. Hedlund) “congratulating Nancy M. Oates on her retirement from the town of Duxbury”;

Resolutions (filed by Messrs. Joyce and Brewer, Ms. Lovely and Messrs. McGee and Tarr) “celebrating 150 years of the Order of Knights of Pythias”;

Resolutions (filed by Messrs. Rush and Brownsberger, Ms. Candaras, Ms. Chandler, Mr. DiDomenico, Ms. Donoghue, Messrs. Downing, Eldridge and Finegold, Ms. Flanagan, Ms. Forry, Messrs. Hedlund, Keenan and Kennedy, Ms. Lovely, Messrs. McGee, Montigny, Michael O. Moore and Richard T. Moore, Ms. O'Connor Ives, Messrs. Rosenberg and Ross, Ms. Spilka and Messrs. Tarr, Timilty and Welch) “in recognition of Irish American Heritage Month in the Commonwealth”; and

Resolutions (filed by Mr. Tarr) “commending Alexandra Carpenter on her athletic achievements as a member of the Silver Medal United States Women's Hockey Team.”

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Angela Furey, an employee of the Trial Court (see Senate, No. 1998), 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 14 to 0.**

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

Engrossed Bill.

An engrossed Bill eliminating the board of public works of the town of Acushnet (see House, No. 3834) (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 President and laid before the Governor for his approbation.

The House Bill making appropriations for the fiscal year 2014 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3903, amended),— **came from the House with the endorsement that the House had NON-concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate, No. 2011) and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Dempsey of Haverhill, Kulik of Worthington and D'Emilia of Bridgewater had been appointed the committee on the part of the House.**

On motion of Mr. Brewer, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Brewer, Flanagan and Ross were appointed on the part of the Senate.

The bill was returned to the House endorsed accordingly..

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

Petition (accompanied by bill, House, No. 3935) of Kate Hogan and James B. Eldridge (by vote of the town) that the town of Stow be authorized to construct and install any structures,

transmission lines, systems and facilities, for the purpose of operating a public water supply, on conservation land;

Under suspension of Joint Rule 9, to the committee on Environment, Natural Resources and Agriculture..

Petition (accompanied by bill, House, No. 3936) of Robert A. DeLeo (by vote of the town) that the town of Winthrop be authorized to enter into an agreement with the city of Revere to operate a regional public safety communications and dispatch center;

Under suspension of Joint Rule 12 to the committee on Public Safety and Homeland Security..

Petition (accompanied by bill, House, No. 3937) of James M. Cantwell for legislation to authorize the appointment of certain designees to the Inspector General Council;

Under suspension of Joint Rule 12 to the committee on Revenue..

The House Bill encouraging the improvement, expansion and development of military installations in the Commonwealth (House, No. 3736, amended),-- **came from the House with the endorsement that the House had concurred in the Senate amendments with a further amendment striking out all after the enacting clause and inserting in place thereof the text of House, No. 3930.**

The rules were suspended, on motion of Mr. Joyce, and the further House amendment was adopted, in concurrence. .

Orders of the Day

The Orders of the Day were considered as follows:

Bills

Exempting certain employees from the Northampton retirement system (printed as Senate, No. 1894);

Relative to the grant of authority to the town of Marion (House, No. 3605, amended);

Authorizing the establishment of the Mashpee Water and Sewer District (House, No. 3767, amended); and

Relative to the Parks and Recreation Commission in the town of Hardwick (House, No. 3818);

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

There being no objection, during consideration of the Orders of the Day, the following matters were considered as follows:

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill directing the Division of Capital Asset Management and Maintenance to transfer certain parcels of land in the town of Medfield (Senate, No. 1889),-- **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, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act directing the Division of Capital Asset Management and

Maintenance to convey certain parcels of land in the town of Medfield to the town of Medfield”.

Sent to the House for concurrence..

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Angela Furey, an employee of the Trial Court (see Senate, No. 1998) (which originated in the Senate), 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 President and laid before the Governor for his approbation.

Orders of the Day

The Orders of the Day were further considered as follows:

The House Bill financing improvements to the Commonwealth’s transportation system (House, No. 3882),-- **was read a second time.**

After remarks, pending the question on ordering the bill to a third reading, the pending amendment, previously recommended by the committee on Ways and Means to the pending Bonding, Capital Expenditures and State Assets recommended new text (Senate, No, 2018) striking out the text and inserting in place thereof the text of Senate document numbered 2023,-- was considered..

Mr. Rush moved that the proposed new text be amended in section 2A in line item 6121-1317 by adding at the end thereof the following:- “provided further that \$3,000,000 shall be expended for the construction of sound barriers along Route 128, Route 1, and Route 1A in the towns of Westwood and Dedham”.

The amendment was *rejected*.

Mr. Timilty moved that the proposed new text be amended in item 6121-1317 by inserting the following:- “provided further, that \$5,000,000 shall be expended for the redesign and replacement of the Maskwonicut bridge within the town of Sharon”.

The amendment was **adopted**.

Mr. Timilty moved that the proposed new text amended in item 6121-1317 by inserting the following:- “provided further, that \$3,500,000 shall be expended for infrastructure and road improvements at the intersection of interstate 95, South Main Street, and 90 Old Post Road within the town of Sharon”.

The amendment was *rejected*.

Ms. Forry moved to amend the proposed new text in section 2A, in line item 6172-1317, by adding the following: “; provided, further that \$500,000 shall be expanded for the Massachusetts Department of Transportation to commission a study to determine if existing traffic volume in and around Mattapan square in the city of Boston exceeds the intended capacity of the current roadways; provided, further that said study shall include, but is not limited to, examining if existing traffic signals are synced appropriately and the study shall propose possible traffic flow improvements in and around Mattapan square on Blue Hill avenue from Walk Hill street through Mattapan square in the city of Boston to the intersection on Blue Hills parkway, Brush Hill road,

Eliot street in the town of Milton”.

After remarks, the amendment was **adopted**.

Mr. Rush moved that the proposed new text be amended in section 2A in line item 6121-1317 by adding at the end thereof the following:- “provided further, that \$5,000,000 shall be expended for the replacement of the Carroll Ave. and Stafford St. bridge in the town of Westwood”.

After remarks, the amendment was **adopted**.

Mr. Barrett moves to amend the proposed new text in line 37, by inserting after the word “Wayland;” the following words:- “provided further, that not less than \$700,000 shall be expended to purchase the right of way that runs north/south from the center of Sudbury to the Framingham town line to enable road alignment and continued development of the Bruce Freeman Rail Trail;”.

The amendment was **adopted**.

Ms. Spilka moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof the following:- “provided further, that \$3,000,000 shall be expended for the Cochetuate Rail Trail in Natick”.

The amendment was *rejected*.

Ms. Spilka moved that the proposed new text be amended in section 2C, in item 6621-1308, by adding the following words:- “and provided further, that preference shall be given to proposals that include planning, design, construction or acquisition of any facilities to provide for the repair, manufacture, assembly, installation or upgrade of the commonwealth’s mass transit vehicle fleet”.

After remarks, the amendment was **adopted**.

Ms. Spilka moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof the following:- “provided further, that \$2,358,000 shall be expended for the construction of the new Marion street bridge in the town of Natick”.

The amendment was *rejected*.

Ms. Spilka moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof the following:- “provided further, that \$100,000 shall be expended for facilities and equipment to conduct a commercial driver's license training program”.

The amendment was *rejected*.

Ms. Spilka moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof the following:- “provided further, that \$4,100,000 shall be expended for improvements to the Route 27 and Route 9 intersection in the town of Natick”.

The amendment was *rejected*.

Ms. Spilka moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof the following:- “provided further, that \$750,000 shall be expended for the planning, design, and infrastructure of 135 and 85 and West Main street in the town of Hopkinton”.

The amendment was *rejected*.

Ms. Spilka moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof the following:- “provided further, that \$300,000 shall be expended for safety study and improvements for the intersection of route 140 and Panther Way in the town of Franklin”.

The amendment was *rejected*.

Ms. Spilka moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof the following:- “provided further, that \$750,000 shall be expended for the purchase, planning, design, and reconstruction of the Upper Charles Rail Trail in the town of Holliston”.

The amendment was *rejected*.

Mr. Hedlund moved that the proposed new text be amended in section 2A, in item 6121-1317, by adding at the end thereof the following:- "; provided further, that \$2,000,000 shall be expended for improvements to Route 53 Washington street Weymouth landing area in the town of Weymouth".

The amendment was *rejected*.

Mr. Hedlund moved that the proposed new text be amended in section 2A, in item 6121-1317, by adding at the end thereof the following:- "; provided further, that not less than \$2,630,000 shall be expended for traffic safety improvements at the intersection of Route 3A and First Parish Road in the town of Scituate".

The amendment was *rejected*.

Mr. Hedlund moved that the proposed new text be amended in section 2A, in item 6121-1317, by adding at the end thereof the following:- "; provided further, that \$25,000 shall be expended for the design and construction of scenic trails in the town of Duxbury".

The amendment was *rejected*.

Mr. Hedlund moved that the proposed new text be amended in section 2A, in item 6121-1317, by adding at the end thereof the following:- "; provided further, that not less than \$3,200,000 shall be expended for the reconstruction of Route 123 from Dover Street west to the Hanover line".

The amendment was *rejected*.

Mr. Hedlund moved that the proposed new text be amended in section 2A, in item 6121-1317, by adding at the end thereof the following:- "; provided further, that in conjunction with the completion of the permanent Fore River Bridge, not less than \$5,000,000 shall be expended for reconstruction and improvements on Route 3A between the Fore River Bridge and Bicknell Square in the Town of Weymouth, including sidewalk repair or replacement".

The amendment was *rejected*.

Mr. Hedlund moved that the proposed new text be amended in section 2A, in item 6121-1317, by adding at the end thereof the following:- "; provided further, that \$1,000,000 shall be expended for the purpose of studying the feasibility and economic impact of constructing an additional exit ramp, roadway or slip ramp on route 3 connecting state highway 139 between exits presently numbered 12 and 11 in the vicinity of Enterprise drive in the town of Marshfield".

The amendment was *rejected*.

Mr. Hedlund moved that the proposed new text be amended in section 2A, in item 6121-1317, by adding at the end thereof the following:- "; provided further, that \$300,000 shall be expended for the purchase of an electric trolley bus in the town of Hull".

The amendment was *rejected*.

Mr. Hedlund moved that the proposed new text be amended in section 2A, in item 6121-1317, by adding at the end thereof the following:- "; provided further, that \$1,747,000 shall be expended for improvements to the intersection at Derby Street, Whiting Street and Gardner Street in the town of Hingham".

The amendment was *rejected*.

Mr. Hedlund moved that the proposed new text be amended in section 2A, in item 6121-1317, by adding at the end thereof the following:- "; provided further, that \$4,212,000 shall be expended for the design and reconstruction of Derby street from Pond Park road to Cushing street in the town of Hingham".

The amendment was *rejected*.

Mr. Hedlund moved that the proposed new text be amended in section 2A, in item 6121-1317, by adding at the end thereof the following:- "; provided further, that \$3,000,000 shall be expended for the resurfacing and improvements to the Colombian square corridor in the town of Weymouth".

The amendment was *rejected*.

Mr. Hedlund moved that the proposed new text be amended in section 2A, in item 6121-1317, by adding at the end thereof the following:- "; provided further, that \$5,200,000 shall be expended for reconstruction and related work, including design costs, on Atlantic avenue from Nantasket avenue to the Cohasset town line in the town of Hull".

The amendment was *rejected*.

Mr. Joyce moved that the proposed new text be amended in item 6622-1381, by inserting after the word "acquisition" in line 510, the following:- "provided further, that the department of transportation shall study the cost and feasibility of depressing the South Coast Rail from Central Street to Brock Street in the town of Stoughton;".

The amendment was **adopted**.

Mr. Joyce moved that the proposed new text be amended in section 25, by inserting after the word "project." in line 927, the following words:- "The department shall not use funds from this program to pay for any mitigation already required by existing state or federal law to facilitate construction of the project or any mitigation currently contemplated by department as outlined in the South Coast Rail Corridor Plan."

After remarks, the amendment was **adopted**.

Mr. Hedlund moved that the proposed new text be amended in section 2A, in item 6121-1317, by adding at the end thereof the following:- "; provided further, that \$1,420,000 shall be expended for reconstruction and related work, including design costs, on Beechwood Street over Bound brook dam in the town of Cohasset".

The amendment was *rejected*.

Ms. Forry moved that funding in line item 6621-1308 be increased to \$2.53 billion; and by adding after the word “bidder” in line 492 the following language :- “provided further, that the department shall expend no less than \$30,000,000 to examine and advance DMU service in the Fairmount corridor as well as other regional connection, and for the purpose of implementing improvements to the Silver Line, provided that funds may be used to overhaul the current Silver Line fleet and explore new technologies to operate on the Silver Line, to procure replacement vehicles and enhance capacity”.

The amendment was *rejected*.

Ms. Forry moved that the proposed new text be amended by inserting the following new section:-

“SECTION XX- Notwithstanding any provision to the contrary, \$500,000 shall be appropriated for the construction of a sound barrier along the southern boundary of Route I-93 between exits 18 and 15 in the Dorchester section of the city of Boston;”

The amendment was *rejected*.

Mr. DiDomenico and Ms. Jehlen moved that the proposed new text be amended in section 2A, item 6121-1317, by inserting at the end thereof the following:- "provided further, that \$1,500,000 shall be expended for the design of a rail trail in the Grand Junction Railroad corridor in the cities of Cambridge, Somerville, and Boston".

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting at the end thereof the following new section:-

“SECTION _____. Section 1 of chapter 64A of the General Laws, as amended by Chapter 46 of the Acts of 2013, is hereby amended by striking out, in the definition of “tax per gallon” the following words:- adjusted at the beginning of each calendar year, by the percentage, if any, by which the Consumer Price Index for the preceding year exceeds the Consumer Price Index for the calendar year that ends before such preceding year; provided, that the Consumer Price Index for any calendar year shall be as defined in section 1 of the Internal Revenue Code pursuant to 26 U.S.C. section 1; and provided further, that the tax shall not be less than 21.5 cents per gallon.”

After remarks, the amendment was *rejected*.

Ms. Chang-Díaz moved that the proposed new text be amended by inserting in section 2A, in item 6121-1317, in line 420, after the word “Malden,” the following words:- “; provided further that funds may be expended for the land acquisition, development, construction, and maintenance of a permanent transit storage and repair facility to be sited at or within two miles of the Arborway Yard located at the intersection of Washington Street and the Arborway in the city of Boston;”; and by inserting at the end thereof the following new section:-

“SECTION 29. Notwithstanding the provision of any general or special law to the contrary, the Massachusetts Bay Transit Authority (MBTA) is hereby authorized to acquire land, develop, construct and maintain a permanent transit storage and repair facility to be sited at or within two miles of the Arborway Yard located at the intersection of Washington Street and the Arborway in the city of Boston. The MBTA shall coordinate with the Community Planning Committee for the Arborway Yard, the Boston Redevelopment Authority and the city of Boston regarding the acquisition, design, planning and construction of this site. All development of the site shall

comport with state and local standards of transit-oriented development.”
The amendment was **adopted**.

Mr. Tarr moved that the proposed new text be amended by inserting after section __, the following new section:-

“SECTION __. (a) Notwithstanding any general or special law to the contrary, the Massachusetts Department of Transportation may incur liabilities and make expenditures in fiscal years 2014 and 2015 in excess of funds available to the department for snow and ice removal; provided, however, that the expenditures are approved by the secretary of transportation in consultation with the secretary of administration and finance. No expenses shall be made in excess of funds available until \$38,000,000 has been expended for snow and ice removal in each of fiscal years 2014 and 2015 and the negative balance of funds available for snow and ice removal shall not exceed \$50,000,000 at any time during each fiscal year. The comptroller may certify for payment invoices in excess of funds available to the department.

(b) The department shall, on or before May 1 in fiscal years 2014 and 2015, report to the executive office for administration and finance and the house and senate committees on ways and means the total amounts budgeted and expended for snow and ice removal. The department shall seek appropriations, as required, to cure deficiencies resulting from the removal of snow and ice for fiscal years 2014 and 2015.”

The amendment was **adopted**.

Mr. DiDomenico and Ms. Jehlen moved that the proposed new text be amended in section 2A, item 6121-1317, by inserting at the end thereof the following:- “provided further that \$15,000,000 shall be expended for the redesign and reconfiguration of Rutherford Avenue and Sullivan Square in the Charlestown section of the city of Boston”.

The amendment was *rejected*.

Mr. DiDomenico moved that the proposed new text be amended in section 2A, item 6121-1317, by inserting at the end thereof the following:- “provided further, than \$250,000 shall be expended for a study on the feasibility of bus transit connecting the city of Everett to existing modes of transportation”.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting at the end thereof the following new sections:-

“SECTION __. For the purposes of this act, ‘enhanced recognition and identification registration plate’ shall be a registration plate that has the capability to incorporate:

(a) commonly recognizable symbols, which are easily identifiable, with each symbol having a corresponding 3 character alpha-numeric reference, with not more than 2 characters identifying the symbol and 1 character representing the location of the symbol on the plate, such that both the symbol and the references may be placed in a variety of locations on the plate to maximize the number of individual combinations that may be produced in conjunction with standard letters and numbers;

(b) existing and innovative technologies and componentry to aid in the identification of characters in conditions that result in poor-visibility, including, but not limited to, nighttime and inclement weather;

(c) not more than 4 alpha-numeric characters; and

(d) distinctive and low-number plates, including plates authorized under sections 2 and 2E of chapter 90 of the General Laws, as well as any distinctive registration plates issued by the registrar under section 2F of said chapter 90.

SECTION __. There is hereby established a special task force to analyze the feasibility of a registration plate system utilizing enhanced recognition and identification registration plates. The task force shall consist of the registrar of motor vehicles, who shall serve as the chair; the colonel of the state police or a designee; a representative of the Massachusetts Chiefs of Police Association; a representative of the criminal justice information systems; a designee from the Molly Bish Center for Missing and Exploited Children; the secretary of administration and finance or a designee; the secretary of transportation or a designee; a representative of the American Automobile Association; a representative of the Massachusetts Correctional Industries; the secretary of the executive office of public safety and security or a designee; a representative of the State Police Association of Massachusetts; a member of a labor organization representing police officers designated by the governor; a designee appointed by the senate president; a designee appointed by the minority leader of the senate; a designee appointed by the speaker of the house of representatives; and a designee appointed by the minority leader of the house of representatives.

The study shall include, but not be limited to: short-term and long-term costs to the commonwealth, time frame for implementation, impact on federal, state and local law enforcement and between states, and the tools and equipment necessary to produce enhanced recognition and identification registration plates. The study shall assess: (i) human reaction to numbers, letters, characters and symbols and the ability to cognitively process such numbers, letters, characters and symbols; provided, however, that the task force shall rely upon scientific studies that have been peer reviewed and consult with relevant research or clinical scientists or medical professionals to verify the accuracy of the information it reviews; (ii) transportation-based factors including, but not limited to, the impact on toll revenues; (iii) interfaces with motor vehicle databases in other states including, without limitation, any licensing and registration system used by the registry of motor vehicles; and (iv) criminal information system accessibility. The task force may conduct 1 or more public hearings to inform the public of its activities. The task force shall seek input from the United States Department of Justice, the United States Immigration and Customs Enforcement and the United States Department of Homeland Security. The report of the task force shall be filed with the clerks of the senate and the house of representatives not later than December 31, 2014.

SECTION __. If designing, developing, procuring or implementing an information management system as a successor or replacement to its Automated License and Registration System, the registrar of motor vehicles shall, in good faith, attempt to ensure that such system is consistent with the technology necessary to effectively utilize enhanced recognition and identification registration plates. Nothing in this section shall limit the ability of the registrar to make necessary changes and improvements to the current Automated License and Registration System, or limit the registrar from designing, developing, procuring or implementing a successor system that is not compliant with enhanced recognition and identification registration plates if the registrar determines a system compatible with enhanced recognition and identification registration plates is not in the best interest of the registry of motor vehicles or the commonwealth.”

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting at the end thereof the following new section:-

“SECTION ____ . Section 43 of Chapter 46 of the Acts of 2013 is hereby repealed.”
The amendment was *rejected*.

Ms. Creem moved that the proposed new text be amended in section 2A, by inserting after the words “low car trains”, in line 61, the following words:- “provided further, that \$17,000,000 shall be expended for the completion of the rapid transit accessibility project for the Auburndale Commuter Rail Station in the City of Newton;”.
The amendment was *rejected*.

Ms. Creem moved that the proposed new text be amended in section 2A, by inserting after the words “low car trains”, in line 61, the following words:- “provided further, that \$17,000,000 shall be expended for improvements to the Needham Street and Highland Avenue corridor in the town of Needham and City of Newton;”.
The amendment was *rejected*.

Ms. Creem and Mr. Eldridge moved that the proposed new text be amended in section 2F, by adding the following item:-

“6622-1386 For the purpose of updating the Draft Environmental Impact Statement, DEIS and Draft Environmental Impact Report, DEIR, concerning the North South Rail Link in order to process the corridor right-of-way.....\$5,000,000”; and by adding the following section:-

“SECTION 29. Notwithstanding any general or special law to the contrary, the Massachusetts Department of Transportation, in consultation with the Massachusetts Turnpike Authority and the Massachusetts Bay Transportation Authority or their successors, shall conduct a study to identify and map the necessary right of way to allow for the construction of the proposed North South Rail Link connecting North Station to South Station. This study shall include particular reference to the Major Investment Study/Draft Environmental Impact Report, EOEA#10270, prepared under the aegis of the executive office of environmental affairs which was concluded on March 31, 2003. The Massachusetts Department of Transportation shall make reasonable efforts to preserve intact the right of way for the North South Rail Link. A plan to preserve the right of way, once identified, shall be determined and implemented immediately.”

After remarks, the amendment was **adopted**.

Ms. Creem moved that the proposed new text be amended in section 2A, by inserting after the words “low car trains”, in line 61, the following words:- “provided further, that a cleanup plan be in place on or before June 30, 2014, for the back side of the Riverside subway station and to work with department of conservation and recreation to provide for recreational connections to the Charles river through property owned by the Massachusetts Bay Transportation Authority to property owned by the department of conservation and recreation, including the entrance to the rail trail to Newton Lower falls located in the northwest corner of the Riverside subway station;”.
The amendment was *rejected*.

Mr. Ross moved that the proposed new text be amended in section 22, in line 895, by inserting after the word “sub-regions” the following words:-“or restructure of regions;”; and in said section 22 by adding the following sentence:- “The report shall be made available on the general court’s website.”

After remarks, the amendment was **adopted**.

Mr. Tarr moved that the proposed new text be amended by inserting after the word “action” in line 805 the following words:- “Provided that the registry of motor vehicles division in consultation with the department of transportation shall submit a plan for compliance on the remaining provisions of the federal Real ID Act, Public Law 109-13, Section 205, and 6 CFR part 37, including recommendations for any necessary legislative authorizations.

Said plan shall be submitted to the clerks of the house and senate, the joint committee on homeland security and public safety, the joint committee on transportation, and the house and senate committees on ways and means within 90 days of passage of this act.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-five minutes past three o’clock P.M., on motion of Mr. Hedlund, as follows, to wit (*yeas 12 — nays 26*) **[Yeas and Nays No. 263]**:

YEAS.

Hedlund, Robert L.	O'Connor Ives, Kathleen
Humason, Donald F., Jr. Pacheco, Marc R.	
Keenan, John F.	Rodrigues, Michael J.
Lovely, Joan B.	Ross, Richard J.
Moore, Michael O.	Tarr, Bruce E.
Moore, Richard T.	Timilty, James E. — 12.

NAYS.

Barrett, Michael J.	Flanagan, Jennifer L.
Brewer, Stephen M.	Forry, Linda Dorcena
Brownsberger, William N.	Jehlen, Patricia D.

Candaras, Gale D.	Joyce, Brian A.
Chandler, Harriette L.	Kennedy, Thomas P.
Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	Montigny, Mark C.
DiDomenico, Sal N.	Petrucelli, Anthony
Donnelly, Kenneth J.	Rosenberg, Stanley C.
Donoghue, Eileen M.	Rush, Michael F.
Downing, Benjamin B.	Spilka, Karen E.
Eldridge, James B.	Welch, James T.
Finegold, Barry R.	Wolf, Daniel A. – 26.

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

Mr. DiDomenico moved to amend the proposed new text by inserting at the end thereof the following:-

"Section XX. Notwithstanding any general or special law, rule or regulation to the contrary, a certain parcel of land and water located at 425 Medford street in the Charlestown section of the city of Boston shall not be included within the boundaries of any designated port area, except for the area consisting of approximately 6.19. acres. described as 'Maritime Area' on a plan entitled 'Exhibit Plan of Land – Maritime Area,' dated January 23, 2014 prepared by Kelly Engineering Group, Inc. Said 'Maritime Area' shall have benefit of a vehicular access easement as shown on said plan and identified as 'Proposed Maritime Area Access' running between Medford Street and the "Maritime Area'. Said certain parcel of land is located at 425 Medford Street in the Charlestown section of the City of Boston, assessor's parcel numbers 0201799000 and 0201798000, containing approximately 839,808sf and 48,965 sf square feet of land and water and is recorded at Book 621, page 179 in the Suffolk county registry of deeds."

The amendment was **adopted**.

Ms. Creem moved that the proposed new text be amended in section 2A, by inserting after the words “low car trains”, in line 61, the following words:- “provided further, that \$1,000,000 shall be expended for the planning, design, construction, and any other associated costs for traffic mitigation work along route 9 and Weston road attributable to the development of 900 Worcester street in the town of Wellesley;”.

The amendment was *rejected*.

Mr. Tarr and Ms. O’Connor Ives moved that the proposed new text be amended, in section 2G, in line item 6720-1307, by striking the words “General Laws”, in line 545, and inserting in place thereof the following:-

“General Laws; provided, that the secretary shall develop and implement a program to allow vehicles with less than 2 occupants access to existing high occupancy vehicle lanes, although such access may be limited during hours the existing high occupancy vehicle lane operates at or near capacity; provided further, that vehicles with less than 2 occupants shall pay a varying automated toll depending on the time of the day or traffic volume; provided, however, that the secretary shall establish regulations to allow motorcycles, buses, and low or zero emission vehicles, hybrid vehicles, or other fuel efficient or environmentally friendly vehicles, as established by regulation, to access the lane without paying a toll.”

The amendment was *rejected*.

Mr. Rodrigues moved that the proposed new text be amended in section 2A, in line item 6121-1317, by adding the following:- “provided further, that \$2,000,000 shall be expended for repairs to the bridge and culvert on Pearce Road near Barton Avenue in the town of Swansea”.

The amendment was *rejected*.

Mr. Rodrigues moved that the proposed new text be amended in section 2A, in line item 6121-1317, by adding the following:- “provided further, that \$400,000 shall be expended for the design and permitting of the route 79 improvement project in the town of Lakeville”.

The amendment was *rejected*.

Mr. Rodrigues moved that the proposed new text be amended in section 2A, in line item 6121-1317, by adding the following:- “provided further, that \$1,000,000 shall be expended for the installation of a sewer line as part of road improvements along Main street in the town of Freetown”.

Mr. Rosenberg in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair), after remarks, the amendment was **adopted**.

Mr. Rodrigues moved that the proposed new text be amended in section 2A, in line item 6121-1317, by adding the following:- “provided further, that \$250,000 shall be expended for planning, design and permitting for improvements to Chipaway road in the town of Freetown;”.

The amendment was *rejected*.

Mr. Rodrigues moved that the proposed new text be amended in section 2A, in line item 6121-1317, by adding the following:- “provided further, that \$250,000 shall be expended for planning, design and permitting for improvements to Chace road in the town of Freetown”.

The amendment was *rejected*.

Ms. Creem moved that the proposed new text be amended in section 2A, by inserting after the words “low car trains”, in line 61, the following words:- “provided further, that not less than \$8,050,000 shall be expended for the planning, design, construction, and any other associated costs for drainage improvements along Route 9 adjacent to Boulder Brook and Morses Pond in the town of Wellesley;”.

The amendment was *rejected*.

Ms. Creem moved that the proposed new text be amended by inserting after section __, the following new section:-

SECTION __: “The MBTA Commuter Rail shall make no reduction in service or stops on the Framingham/Worcester Line during peak hours from the schedule effective April 29, 2013.”

The amendment was *rejected*.

Ms. Creem moved that the proposed new text be amended by inserting after the word “Executives” in line 594, the following new language:-

“The advisory committee shall also investigate and report on the frequency of injury to and accidents involving vulnerable road users, and methods to enhance multiple modes of transportation, including bicycling and walking. Vulnerable road users shall include, but not be limited to, pedestrians and bicyclists. The advisory committee shall issue a report which shall include, but not be limited to, data on the frequency of accidents involving vulnerable road users, the nature of such accidents, the involved parties, road conditions, and methods to increase road safety, including but not limited to colored bike paths, wider bike lanes, increased use of traffic lights, and practices used in other cities to increase vulnerable road user safety. The advisory committee, in assisting the department in developing the rules, regulations and guidelines for the program, shall consider methods to reduce the incidence of accidents and educational materials and strategies to inform the public on best safety practices for sharing the road.”

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting before section 3 the following section:-

“SECTION A. Section 35 of chapter 6C of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following sentence:- The secretary shall make the report available on the department’s website.”;

By inserting after section 4 the following section:-

“SECTION 4A. The first paragraph of section 20 of chapter 161A of the General Laws, as so appearing, is hereby amended by adding the following sentence:- The secretary shall make the preliminary and final itemized budget available on the authority’s website.”; and by adding the following section:-

“SECTION 29. The reports required to be made available on the Massachusetts Department of Transportation’s website pursuant to the last sentence of section 35 of chapter 6C of the General Laws shall be made available beginning in fiscal year 2014.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-six minutes before four o’clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 264**]:

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.

Humason, Donald F., 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-three minutes before four o'clock P.M., the amendment was **adopted**.

Mr. Brownsberger moved that the proposed new text be amended in section 2C, line item 6621-1308 by inserting in line 485 after the words "procurement, construction," the following words:- "including without limitation planning, design and construction of vehicle storage and maintenance facilities and public process related there to,".

The amendment was **adopted**.

Mr. Ross moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof, the following:- "provided further, that not less than \$500,000 shall be expended for the design and installation of a walkway from The Woodhaven Senior Housing Complex to the downtown area in Sherborn;".

The amendment was *rejected*.

Mr. Ross moved that the proposed new text be amended in subsection (d) of section 15 by adding the following sentence:- "All reports shall be made available on the department's website."

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting at the end thereof the following new section:-

"SECTION ____ Chapter 7 of the General Laws is hereby amended by striking sections 52 to 55, inclusive, in their entirety."

Pending the question on adoption of the amendment, Mr. Pacheco rose to a point of order, which, being stated, was that the amendment was beyond the scope of the legislation.

The Chair (Mr. Rosenberg) ruled that the amendment was beyond the scope of the limited subject matter of the legislation, and as such, the point of order was well-taken.

Mr. Tarr doubted the ruling of the Chair and this motion was seconded; by Mr. Hedlund.

After debate, the question on “Shall the ruling of the Chair stand?” was determined by a call of the yeas and nays at twelve minutes before four o’clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 34 – nays 4*) [**Yeas and Nays No. 265**]:

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.	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. – **4.**

The yeas and nays having been completed at eight minutes before four o'clock P.M., the ruling of the Chair stood and the amendment was laid aside.

Ms. Chandler moved that the proposed new text be amended by inserting after section __, the following new section:-

“SECTION__: Paragraph 1 of section 18A of chapter 90 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking the words:- “One dollar for the first second and third such offense committed in a calendar year, and by a fine of two dollars for the fourth of subsequent offense in a calendar year;” and inserting in place thereof:- “twenty-five dollars for the first offense, fifty dollars for the second offense, and seventy-five dollars for the third and subsequent offenses.”

The amendment was *rejected*.

Ms. Chandler moved that the proposed new text be amended in section 2A, by adding in line 56, after the word “Princeton”, the following:- “provided further, that \$1,000,000 shall be expended for the construction of sound barriers along route 290 in the town of Northborough;”.

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by striking in line 502 the following words, “under chapter 6C of the General Laws” and inserting in place thereof the following words:- “provided further, that the Registry of Motor Vehicles Division shall obtain an assessment for independent verification and validation, and independent project management oversight for the RMV modernization and improvement program under chapter 6C of the General Laws”.

The amendment was *rejected*.

Mr. Tarr moved to amend by inserting after section 2G the following new sections:-

“SECTION_. Section 10 of said chapter 6C of the General Laws is hereby amended by adding the following paragraph:-

The office of transportation planning shall work in collaboration with the public-private infrastructure oversight commission and provide the oversight commission information and updates on research, surveys, studies, and future transportation projects.

SECTION_. Section 11 of said chapter 6C of the General Laws is hereby amended by inserting after the word ‘finance,’ in lines 17-18, the following words:- the public-private infrastructure oversight commission.

SECTION_. Section 34 of said chapter 6C of the General Laws, as so appearing, is hereby amended by adding the following paragraphs:-

Any project with a projected cost greater than \$1,000,000 shall be submitted to the legislature for final approval and approved by the governor.

Final approval on any project contemplated in this section shall not be given until the public-private infrastructure oversight commission, established in section 73, has been given an opportunity to evaluate the project’s suitability to be constructed in the design-build-finance-operate-maintain or design-build-operate-maintain project delivery method.

No project shall be given final approval unless said project is properly identified and explained in the comprehensive state transportation plan under section 11.”

After remarks, the amendment was *rejected*.

Ms. O’Connor Ives moves that the proposed new text be amended in section 2A, line item 6121-1317, by striking out, in lines 252 to 257, the following: “provided further, that \$1,500,000 shall be expended for improvements along state highway route 114 in the town of North Andover from the Lawrence municipal boundary to the intersection of state highway route 114, Mill street and Willow street, including the widening at the Shawsheen River bridge and Hillside avenue and recommendations included in the road safety audit prepared for the Massachusetts Department of Transportation in the town of North Andover;” and inserting in place thereof:- “provided further, that \$1,500,000 shall be expended to improve pedestrian and bicycle safety along Route 114 in North Andover from the Lawrence municipal boundary to the intersection of Route 114 and Hillside Road, including, but not limited to, recommendations included in the Road Safety Audit prepared for MassDOT and titled, Road Safety Audit, Merrimack College, Rt. 114, 125, and 133 in North Andover, dated January 14, 2014;”.

The amendment was **adopted**.

Mr. Ross moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof, the following:- “provided further, that not less than \$1,000,000 shall be expended for the reconstruction design of Village Street in Millis from Main Street to the Medway town line;”.

The amendment was *rejected*.

Mr. Ross moved that the proposed new text be amended in subsection (g) of section 3 by adding the following sentence:- “The report shall be made available on the department’s website.”

After remarks, the amendment was **adopted**.

Messrs. Tarr and Ross moved that the proposed new text be amended by inserting in line 725 after the word “monies” the following words:- “up to \$1,000,000”; and by inserting in line 731 after the word “advanced” the following words:- “The department shall submit an annual report on any transfers completed pursuant to this section. The report shall be filed annually, not later than December 15, to the house and senate committees on ways and means, and all reports shall be made available on the department’s website.”

The amendment was *rejected*.

Ms. Candaras moved that the proposed new text be amended in section 2a, in item 6121-1317, by inserting the following new language:- “provided further, that \$900,000 shall be expended for the reconstruction at the intersection of Seawall street, East Center street and State street in the town of Ludlow”.

The amendment was *rejected*.

Ms. Candaras moved that the proposed new text be amended in section 2a, in item 6121-1317, by inserting the following:- “provided further, that \$9,200,000 shall be expended for improvements and resurfacing of Route 181 from Maple Street in the town of Belchertown to the Belchertown/Palmer town line.”

The amendment was *rejected*.

Ms. Candaras moved that the proposed new text be amended in section 2a, in item 6121-1317, by inserting the following:- “provided further, that \$652,000 shall be expended for the resurfacing and related improvements to Longmeadow Street from Edgewood Street to Warren Terrace in the Town of Longmeadow”.

The amendment was *rejected*.

Mr. Welch and Ms. Candaras moved that the proposed new text be amended in section 2A in item 6121-1317 by adding at the end thereof the following:- “provided further, that \$2,000,000 shall be expended for redesign and safety improvements of Six Corners at the intersection of Hancock Street, Ashley Street, Walnut Street, and Alden Street in the city of Springfield”.

After remarks, the amendment was **adopted**.

Mr. Ross moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof, the following:- “provided further, that \$3,200,000 shall be expended for Kelley Boulevard roadway improvements in the town of North Attleboro;”.

After remarks, the amendment was **adopted**.

Mr. Ross moved that the proposed new text be amended in section 20 by adding the following sentence:- “All reports shall be made available on the department’s website.”

The amendment was **adopted**.

Ms. Jehlen moved that the proposed new text be amended, in section 2A, in item 6121-1317, by inserting at the end thereof the following:- “provided further, that \$15,000,000 shall be expended for the design of grade separation at Wellington Circle in the city of Medford”.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting after section __, the following new section:-

“SECTION __. Chapter 161A of the General Laws, as so appearing in the 2012 Official Edition, is hereby amended by adding at the end thereof the following section:-

Section 49. (a) The authority shall develop and operate, on its website, a searchable database accessible by the public at no cost that includes:

(1) a complete accounting of all capital assets under the control of the authority, including the investment needed to maintain said assets in a state of good repair and an estimate of which fiscal year the asset will be placed on the capital investment program;

- (2) operating expenses;
 - (3) monthly ridership data aggregated by each mode of transit provided by the authority;
 - (4) the fare recovery ratios for each mode of transit provided by the authority; provided, however, that such ratios shall be further aggregated for each commuter rail line; and
 - (5) the financial plans, proposed by the authority, for any proposed expansion projects, which shall include but not be limited to, the development, conceptual planning, design and construction of any effort to expand the scope of MBTA services.
- (b) The searchable database shall allow users to search electronically by field in a single search, aggregate the data, download information yielded by a search and, where possible, contain graphical representations of the data and a hyperlink to the actual grants issued.
- (c) The searchable database shall include and retain information for each fiscal year for at least 10 fiscal years.
- (d) The authority shall update the searchable database as new data becomes available; provided that all applicable data must be updated at the close of each fiscal year.”
- The amendment was *rejected*.

Ms. Jehlen moved to amend the proposed new text in section 2A, in item 6121-1317, by inserting at the end thereof the following:- “provided further, that \$2,500,000 shall be expended for the design and construction of signal road and pedestrian improvements in Medford square including repaving of Riverside street from Main street to City Hall Mall in the city of Medford; provided further, that \$250,000 shall be expended for design and reconstruction of traffic signals at the intersections of Mystic avenue and Main street, Main street and South street, and Main street and the westbound off ramp of the Mystic Valley parkway/Route 16 in the city of Medford”.

The amendment was **adopted**.

Ms. Chang-Díaz moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting in line 420, after the word “Malden,” the following words:- “; provided further, that funds may be expended for upgrades to Ruggles subway station in the city of Boston”.

The amendment was **adopted**.

Ms. Jehlen moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof the following:- “provided further, that \$500,000 shall be expended for the design of a bicycle/pedestrian bridge linking the Alewife quadrangle to the Alewife triangle and the MBTA Alewife station in the city of Cambridge”.

The amendment was *rejected*.

Ms. Jehlen moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof the following:- “provided further, that \$240,000 shall be expended for the upgrade of traffic signals at the intersection of Main Street, Skillings Road and Lake Street, all in the Town of Winchester”.

The amendment was *rejected*.

Ms. Jehlen moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof the following:- “provided further, that the department of transportation may expend not more than \$5,000,000 on the installation of sound barriers on

interstate 93 adjacent to the Nunnery Grounds neighborhood, so called, located between Cross street and Mt. Vernon street in the city of Somerville”.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting after section __, the following new section:-

“SECTION__. The Massachusetts Bay Transportation Authority shall file a report with the general court detailing present, planned and foreseeable activities to increase its self-sufficiency and decrease its dependence on state subsidization and fare increases. The report shall include, but not be limited to, methods for increased fare collections; the cultivation and implementation of opportunities for sponsorships of facilities, programs, venues and properties; an analysis of employee compensation, including, but not limited to, overtime payments, health care benefits, pensions and other benefits; the privatization of some or all of the operations of the authority; and all other actions being considered or pursued to improve the sustainability of services provided by the authority within its current and projected fiscal constraints. The report shall be filed with the clerks of the senate and the house of representatives, the joint committee on transportation, and the senate and house ways and means committees no later than 180 days after the effective date of this act.”

After remarks, the amendment was *rejected*.

Ms. Jehlen moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof the following:- “provided further, that \$1,000,000 shall be expended for the traffic safety improvements at Winthrop street and High street rotary in the City of Medford”.

The amendment was *rejected*.

Ms. Jehlen moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof the following:- “provided further that \$250,000 shall be expended for the design and construction of a pedestrian footbridge adjacent to the Wedgemere Commuter Rail Station in the Town of Winchester”.

The amendment was *rejected*.

Ms. Jehlen moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof the following:- “provided further, that \$200,000 shall be expended for the upgrade of traffic signals at the intersection of Main Street, Water Street, and Swanton Street, all in the Town of Winchester”.

The amendment was *rejected*.

Ms. Jehlen moved to amend the proposed new text by inserting the text of Senate document numbered 2035, relative to regional transportation ballot initiatives.

The amendment was *rejected*.

There being no objection, during consideration of the Orders of the Day, the following matter was considered as follows:

PAPER FROM THE HOUSE

A Bill relative to unlawful sexual surveillance (House, No. 3934,-- on House, No. 3867, in part),-
was read.

There being no objection, the rules were suspended, on motion of Ms. Murray, 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 a quarter before five o'clock P.M. on the motion of Ms. Murray, as follows, to wit (*yeas 39 – nays 0*) [**Yeas and Nays No. 266**]:

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.	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 twelve minutes before five o'clock P.M., the bill was passed to be engrossed, in concurrence.

Orders of the Day

The Orders of the Day were further considered as follows:

The House Bill financing improvements to the Commonwealth's transportation system (House, No. 3882),-- was considered, the main question being on ordering the bill to a third reading.

Mr. Tarr moved that the proposed new text be amended by inserting after section __, the following new section:-

“SECTION __. Notwithstanding any general or special law to the contrary, the director of the internal special audit unit within the department of transportation shall conduct a comprehensive investigation of the financial impact of chapter 25 of the acts of 2009. The investigation shall include a review of total savings to date, anticipated future savings, an analysis of how the savings compare to projected savings at the time of the passage of the act, and recommendations to increase future savings and efficiencies. The director shall publish his findings on the department's website and submit an electronic copy of the report to the clerks of the house and the senate, the house and senate committees on ways and means, and the joint committee of transportation no later than 90 days after the effective date of this act.”

The amendment was *rejected*.

Mr. McGee moved the proposed new text be amended by inserting at the end thereof the following new section:-

“SECTION _____. Section 18 of chapter 161A of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following paragraph:-

The secretary of administration and finance, on behalf of the commonwealth, shall, with the concurrence of the secretary of the Massachusetts Department of Transportation, enter into a contract with the authority prior to July 1, 2014, providing for payments by the commonwealth of \$160,000,000 annually to the authority, in substantially equal monthly payments not later than the last day of each month, commencing with July 2014. The authority may pledge such contract and the rights of the authority to receive amounts thereunder as security for the payment of notes or bonds issued under the provisions of this chapter. Such contract shall constitute a general obligation of the commonwealth for which the faith and credit of the commonwealth shall be pledged for the benefit of the authority and of the holders of any notes or bonds of the authority which may be secured by a pledge of such contract or of amounts to be received by the authority under such contract.”

The amendment was *rejected*.

Mr. McGee moved that the proposed new text be amended by inserting before section 3 the following 2 sections:-

“SECTION A. Chapter 6C of the General Laws is hereby amended by striking out section 44 and 45, as appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

Section 44. (a) The division may provide functional replacement of real property in public ownership whenever the division has acquired such property, in whole or in part, under this chapter or when such property is significantly and adversely affected as a result of the acquisition of property for a highway or highway-related project and whenever the division determines that functional replacement is necessary and in the public interest. For the purposes of this section, ‘functional replacement’ shall mean the replacement, pursuant to chapter 7, requiring authorization of the general court prior to disposition of real property, including either land or facilities thereon, or both, which shall provide equivalent utility. For the purposes of this section ‘real property in public ownership’ shall mean any present or future interest in land, including rights of use, now existing or hereafter arising, held by an agency, authority, board, bureau, commission, department, division or other unit, body, instrumentality or political subdivision of the commonwealth. This section shall not constitute authorization by the general court as required by said chapter 7.

(b) Whenever the division determines it is necessary that a utility or utility facility, as defined under federal law, be relocated because of construction of a project which is to be reimbursed federally, in whole or in part, or which is to be paid by the commonwealth, in whole or in part, such facility shall be relocated by the division or by the owner thereof in accordance with an order from the division. Failure to comply with an order from the division shall be subject to enforcement under chapter 81. The division shall reimburse the owner of such utility or utility facility for the cost of relocation subject to the limitations in subsection (e) and in accordance with the following formula: for any utility facility that is to be reimbursed federally, in whole or in part, and for any utility facility that does not qualify for federal reimbursement, the division shall reimburse the owner at least 50 per cent of the costs of relocating the utility facility.

(c) Any relocation of facilities carried out under this section which is not performed by employees of the owner shall be subject to sections 26 to 27F, inclusive, of chapter 149.

(d) Notwithstanding any general or special law to the contrary, any utility facility that is required to be relocated because of the construction of a project federally funded under the Federal-Aid Highway Act of 1982 and the Federal-Aid Highway Act of 1987 may be relocated temporarily above ground during the construction of the project.

(e) A utility relocation shall be eligible for reimbursement under this section only if it is completed to the satisfaction of the division within target dates established by the division and in accordance with design criteria set forth by the division for the relocation in a manner that facilitates the timely completion of the affected project ; provided, however, the division may assess financial penalties for failure to complete the relocation by the target dates established by the division or for failure to meet the design criteria set forth by the division.

Section 45. Notwithstanding subsection (e) of section 44 or any other general or special law to the contrary, the division may reimburse the owner of an underground utility or utility facility whenever such underground utility or utility facility has been relocated because of construction of a project which is to be reimbursed federally in whole or in part. The reimbursement authorized herein shall be to the extent that the cost of relocating the facility is reimbursed by the federal government.”

The amendment was **adopted**.

At five o'clock P.M., Mr. Tarr doubted the presence of a quorum. The Chair (Mr. Rosenberg), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently, at one minute past five o'clock P.M., a quorum was declared present.

There being no objection, during consideration of the Orders of the Day, the following matter was considered as follows:

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill relative to unlawful sexual surveillance (see House, No. 3934), 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 Acting President (Mr. Rosenberg) and sent to the House for enactment.**

Orders of the Day

The Orders of the Day were further considered as follows:

The House Bill financing improvements to the Commonwealth's transportation system (House, No. 3882),-- was considered, the main question being on ordering the bill to a third reading. Mr. Tarr moved that the proposed new text be amended by inserting after section __, the following new section:-

“SECTION__. Notwithstanding any general or special law to the contrary, the secretary of transportation shall issue a 5 year plan, as provided for in section 11 of chapter 6C, no later than

180 days after the passage of this act. Said plan shall prioritize projects to provide for the reduction in the number of structurally deficient bridges, to reduce congestion attributable to disrepair, to improve urban and rural primary pavement conditions, to improve interstate pavement conditions, to increase maintenance disbursements per mile to the level necessary to achieve and maintain a state of good repair, to return bus and transit assets into a state of good repair, to improve track and signalization conditions, or to otherwise eliminate the backlog on transit, road, and bridge projects. The plan shall not include any capital expansion projects. The plan shall be published as provided for in section 11 of chapter 6C.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at nine minutes past five o’clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 4 — nays 34*) [**Yeas and Nays No. 267**]:

YEAS.

Hedlund, Robert L. Ross, Richard J.

Humason, Donald F., Jr. Tarr, Bruce E. — **4.**

NAYS.

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.	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.

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

Mr. McGee moved that the proposed new text be amended by inserting at the end thereof the following new section:-

“SECTION ____ . Section 39G of chapter 30 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after the word ‘retainage’, in lines 25, 26 and 64 the following words:- , if held by the awarding authority.”

The amendment was **adopted**.

Mr. Wolf moved that the proposed new text be amended in section 2A, line 420, by inserting after the word “Malden” the following: “provided further, that \$100,000 shall be expended for the reconstruction of the Main Street – Route 6A intersection in the town of Wellfleet; provided further, that \$1,500,000 shall be expended for the reconstruction of Lieutenants Island Road in the town of Wellfleet”.

After remarks, the amendment was **adopted**.

Ms. Donoghue moved that the proposed new text be amended in section 2A, in item 6121-1317 by adding at the end thereof the following:- “provided further, that funds shall be expended for the expansion of the National Park Trolley's current 1.2 mile current infrastructure into a 6.9 mile intermodal, interconnected system connecting Lowell's neighborhoods, college and university campuses, and downtown commercial and cultural district”.

The amendment was **adopted**.

Mr. Ross moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof, the following:- “provided further, that not less than \$4,600,000 shall be expended for the engineering and drainage installation on Lake Street, Goulding Street West, and Forest Street in Sherborn;”

The amendment was *rejected*.

There being no objection, during consideration of the Orders of the Day, the following matter was considered as follows:

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill relative to unlawful sexual surveillance (see House, No. 3934) (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 (Mr. Rosenberg) and laid before the Governor for his approbation.

Orders of the Day

The Orders of the Day were further considered as follows:

The House Bill financing improvements to the Commonwealth's transportation system (House, No. 3882),-- was considered, the main question being on ordering the bill to a third reading.

Mr. Downing moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof the following:- “provided further, that \$6,500,000 shall be expended on the reconstruction of East River Road in the town of Chester”.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting after section __, the following new section:-

“SECTION__. The general manager of the Massachusetts Bay Transportation Authority shall report to the general court, within 30 days of the effective date of this act, on the status of, and response to, its request for proposals (RFP) from business, civic, and non-profit entities to enter into sponsorship agreements for providing transportation services beyond the current hours of operation, pursuant to section 81 of chapter 46 of the acts of 2013. Said report shall include, but not be limited to, information on the number of respondents to the RFP, the nature of the proposals submitted, details on any sponsorship agreements that have already been executed or are in the process of being finalized, and plans for the issuance of any additional RFPs. The report shall be filed with the clerks of the senate and the house of representatives and the senate and house committees on ways and means.”

The amendment was *rejected*.

Mr. Keenan moved that the proposed new text be amended in section 2A by adding the following language:- “provided further, that \$750,000 shall be expended for construction of the Gardner street sound barrier in the town of Rockland”.

The amendment was *rejected*.

Mr. Downing moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof the following:- “provided further, that \$1,500,000 shall be expended to replace culverts on West Cross road and Gates avenue in the town of Clarksburg”.

The amendment was *rejected*.

Mr. Ross moved that the proposed new text be amended in section 25 by adding the following sentence:- “All reports shall be made available on the department’s website.”

The amendment was **adopted**.

Mr. Keenan moved that the proposed new text be amended in section 2A by adding the following language:- “provided further, that a study shall be conducted to determine the cost and feasibility of the installation of a sound barrier along Bedford Street in Abington, beginning at the intersections of Colburn lane and Bedford street, and ending at the intersections of Thayer street and Bedford street”.

The amendment was *rejected*.

Mr. Downing moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof the following:- “provided further, that \$900,000 shall be expended on the reconstruction of Route 122 in the town of Cummington”.

The amendment was *rejected*.

Messrs. Donnelly and Keenan and Ms. Chang-Diaz moved that the proposed new text be amended in section 2A in line item 6121-1317 by adding the following:- “provided further, that the Massachusetts Department of Transportation in executing these projects, shall train no less than 300 participants per year from low-income, minority, youth, or young adult populations in pre-apprenticeship programs registered with the Division of Apprentice Training”.

The amendment was **adopted**.

Mr. Downing moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof the following:- “provided further, that \$25,000 shall be expended for the purchase of snow plow equipment to maintain the sidewalks on Route 112 in the town of Huntington”.

The amendment was *rejected*.

Mr. Keenan moved that the proposed new text be amended in Section 2A by adding the following language:- “provided further, that not less than \$1,600,000 shall be expended on the design, removal and replacement of the Studley Pond Dam along Route 123 in the Town of Rockland;”.

The amendment was *rejected*.

Mr. DiDomenico moved that the proposed new text be amended by inserting the text of Senate document numbered 2037, relative to commercial drivers’ licenses.

The amendment was *rejected*.

Mr. Keenan moved that the proposed new text be amended in section 2A by adding the following language:- “provided further, that not less than \$100,000 shall be expended for roadway and streetscape improvements to the intersection of Washington street and Plain street in the town of Braintree”.

The amendment was **adopted**.

Mr. Keenan moves that the proposed new text be amended in section 2A by adding the following language:- “provided further, that not less than \$100,000 shall be expended for roadway and streetscape improvements to the Granite Street Corridor in the town of Braintree”.

The amendment was *rejected*.

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

“SECTION XXXX Chapter 6C of the general laws, as appearing in the 2010 official edition, is hereby amended by inserting after section 60 the following 2 sections:-

Section 60A. The division, with the approval of the secretary, shall have the authority to promulgate rules, regulations, orders and directives for establishing security standards for all airports and restricted landing areas in the commonwealth, so long as such standards are not contrary to or inconsistent with mandatory federal security standards. The division may cooperate with other local, state and federal authorities in matters of security, including the sharing of information, for the protection of the commonwealth and national security interests. Each public-use airport, through its manager, shall prepare an airport security plan that must be submitted to and approved by the division. The airport security plan shall be developed under guidelines and regulations issued by the division through security directives. An airport security plan submitted and approved by the federal Transportation Security Administration in accordance with federal law shall be considered sufficient to comply with the requirements of this section.

The airport security plan shall be considered sensitive security information under Title 49 of the Code of Federal Regulations Part 1520 and shall not be subject to disclosure under clause Twenty-sixth of section 7 of chapter 4 and chapter 66.

Any authorized representative of the division shall be permitted to inspect any airport, airfield, restricted landing area, aviation facility, hangar or aircraft for the purpose of determining compliance with security standards established by the division.

The division shall be authorized to access criminal offender record information and to order and receive background checks completed by the department of state police on its employees, appointees, agents and persons with whom the division enters into a contract, agreement, certification or license.

Section 60B. (a) The division shall have the authority to issue civil citations and to impose and collect fines and to impose other penalties for violation of aeronautics laws contained in sections 35 to 52, inclusive, of chapter 90, including any rules and regulations established by the division. The administrator, or a designee, after determining that a violation has occurred, is authorized to cite the offender for such violation by issuing a civil citation.

(b) The administrator, or a designee, shall request, and the offender shall provide, the offender’s name, address and a form of identification. If the infraction involves the operation of an aircraft, the administrator, or a designee, shall request the examination of the offender’s current airman and medical certificates, if applicable, as well as an examination of the aircraft, if any, involved in the violation.

(c) The administrator, or a designee, shall issue a written citation to the offender at the time and place of the violation, if possible, and the offender shall sign the citation acknowledging its receipt. If it is not possible to serve the offender with a citation at the time of the infraction, the administrator, or a designee, shall mail a copy of the citation, by certified mail, return receipt requested, to the offender at the offender's last known address, within 10 working days of the date the citation was issued.

(d) If the administrator, or a designee, is unable to identify the offender, a citation shall be sent to the registered owner of the aircraft involved in the violation as appearing on the records of the division or the Federal Aviation Administration. The issuance of the citation shall be deemed to be sufficient notice to the alleged offender. Proof of registration shall be prima facie evidence that the registrant is the offender.

(e) Each citation served shall include: (1) the name and address of the offender and the federal registration number of the aircraft involved, if any; (2) date, time and place of the offense; (3) description of the offense alleged; (4) signature of the administrator, or the designee, issuing the citation; (5) amount of penalty derived from a schedule established by the division and promulgated by statute or regulation; (6) instructions and time limits for paying the penalty; and (7) procedures for requesting a non-criminal hearing.

(f) The offender shall remit full payment of the penalty within 30 days of the date of the citation, by mailing or delivering a bank check or money order payable to the commonwealth at the address stated on the citation. Payment in full of the specified penalty and any late payment penalty shall operate as final disposition of the matter and no record shall be entered in any criminal or probation records of the court. Late payment charges in the amount of 10 per cent of the penalty shall be assessed, in addition to the penalty, for each 30 days, or part thereof, while the citation is unpaid.

(g) In lieu of initial payment, the offender may request, in writing within 30 calendar days from the date of the citation, a non-criminal hearing to be held before the administrator, or a designee. All hearings shall comply with chapter 30A.

(h) The administrator, or a designee, shall issue an adjudicatory decision for or against the offender. If the offender is found liable, the administrator, or a designee, shall require the offender to pay, within 21 calendar days from the date of the finding or a longer time as may be determined by the administrator, or a designee, an amount not to exceed the scheduled penalty established for the offense by regulation or statute.

(i) If the offender fails to timely render payment of the citation, fails to timely request a hearing, fails to appear for a scheduled hearing or fails to render payment of the citation upon an order of the court, the division may seek a criminal complaint against the offender without conducting a preliminary hearing pursuant to section 35A of chapter 218.

(j) All fees, fines and penalties collected by the division shall be deposited into the fund.”
The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting after section __, the following two sections:-

“SECTION __. Section 60 of chapter 46 of the acts of 2013 is hereby amended by inserting, at the end of the first paragraph, the following sentence:- ‘The salary, benefits, or level of compensation of any department employee shall not be increased if the department is not exceeding the benchmarks provided for in this section.’

SECTION __. Section 61 of chapter 46 of the acts of 2013 is hereby amended by inserting, at the end of the first paragraph, the following sentence:- ‘The salary, benefits, or level of

compensation of any authority employee shall not be increased if the authority is not exceeding the benchmarks provided for in this section.”

The amendment was *rejected*.

Mr. Eldridge moved that the proposed new text be amended in section 2A, in item 6121-1317 by inserting at the end thereof the following:-“; provided further, that \$300,000 shall be expended for the study, design, planning and construction of intersection improvements at the intersection of route 27 and Concord street in the town of Maynard”.

After remarks, the amendment was **adopted**.

Mr. Montigny moved to amend the proposed new text by inserting at the end, the following new section:-

“SECTION ____ . The secretary of transportation and the secretary of energy and environmental affairs shall jointly submit a report regarding the capital and operating needs of the New Bedford State Pier to the senate and house chairs of the joint committee on transportation and the clerks of the senate and house of representatives, no later than August 15, 2014. The report shall include, but not be limited to:

- (1) an analysis of the current state of repair of the state pier, including a description of all projects and expenditures needed to bring said Pier into a state of good repair and low-end and high-end estimates of the useful life of all physical components of said Pier and the estimated cost, as of the date of this Act, to replace same;
- (2) for the prior and current fiscal years, any and all operating expenses associated with said Pier, including without limitation payments to all vendors performing any work with respect to said Pier and the salaries of all state employees who have performed any work with respect to said Pier;
- (3) all persons and entities currently making use of said Pier pursuant to any written or unwritten lease, license, permit, invitation or other agreement; and
- (4) a recommendation as to the most efficient structure for ownership, management, operation, and oversight of said Pier, including without limitation a recommendation as to which state agency or agencies should own or operate said Pier and what actions, if any, should be undertaken with regard to whether future operation of said Pier should include input and/or participation by municipalities or other governmental instrumentalities abutting the Port of New Bedford
- (5) The study shall also make recommendations for improvements and repair to infrastructure and enhancements to increase public access, facilitation of activities surrounding the offloading and transport of commercial fishing landings, expanding the use of the facility for water dependent cargo, short sea shipping, marine transportation, cruise facilities and non-water dependent related uses related to tourism and economic development, potential redevelopment and creation of mixed use facilities to include; commercial uses, retail, restaurants, research & development, and public event space as well as strategies to increase awareness of the commercial fishing fleet while educating consumers on the benefits of locally caught seafood and the \$25,000,000 authorized by chapter 312 acts of 2008, item 1100-2500 with regard to said Pier shall be used to fund implementation of all recommendations of the study.”

The amendment was **adopted**.

Mr. Petruccelli moves that the proposed new text be amended in section 2G, in item 6720-1307, by adding the following words:- “provided further, that not less than \$5,000,000 shall be

expended for technology upgrades and intelligent transportation system upgrades in the City of Boston”.

The amendment was **adopted**.

Mr. Keenan moved that the proposed new text be amended in section 2A, by adding the following language:- “provided further, that not less than \$75,000 shall be expended for the creation of a pedestrian walkway and safety improvements along Union Street in the town of Braintree”.

The amendment was *rejected*.

Mr. Keenan moved that the proposed new text be amended in section 2A, by adding the following language:- “provided further, that not less than \$750,000 shall be expended for repairs to the Civil War Memorial Bridge in Abington”.

The amendment was *rejected*.

Mr. Humason moved that the proposed new text be amended by inserting the following section:- “SECTION XXXX Notwithstanding the provisions of any other general or special law to the contrary, the aeronautics division of the Massachusetts Department of Transportation is hereby authorized to establish a pavement improvement program for public-use airports. The department shall utilize available appropriated funds for airport development and planning projects and shall be authorized to reimburse up to 97.5 per cent of the total cost of a pavement improvement project performed pursuant to this program.”

After remarks, the amendment was *rejected*.

Mr. Montigny moved that the proposed new text be amended in section 2A in item 6121-1317, by inserting at the end thereof the following:- “provided further, that \$5,000,000 shall be expended on the construction of a walkway on top of the hurricane barrier from West Rodney French boulevard to Padanaram avenue along Clark's Cove in the city of New Bedford”.

The amendment was *rejected*.

Mr. Petruccelli move that the proposed new text be amended in section 2A, in line-item 6121-1317 by inserting the following at the end:- “provided further, that no later than June 30, 2014, the Massachusetts Department of Transportation shall commence a public process to discuss and address the issues relative to properly capping the ramp at I-93 off ramp Parcels 6, 12 off of Cross Street and off ramp 18 off of Atlantic Avenue in the City of Boston or implementing reasonable improvement alternatives to said capping; and provided further, that said public process shall also involve officials from the City of Boston as well as Parcel 6, 12 & 18 community stakeholders; and provided further, that said public process shall be completed no later December 31, 2015”.

After remarks, the amendment was **adopted**.

Mr. Keenan moved that the proposed new text be amended in section 2A, by adding the following language:- “provided further, that not less than \$350,000 shall be expended for the design and reconstruction of the section of Route 139 in Holbrook east of Route 37”.

The amendment was *rejected*.

Mr. Keenan moved that the proposed new text be amended in section 2A, by adding the following language:- “provided further, that not less than \$250,000 shall be expended for the design and reconstruction of Weymouth Street in Holbrook”.

The amendment was *rejected*.

Mr. Downing moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof the following:- “provided further, that \$5,000,000 shall be expended for the reconstruction of the railroad overpass on Hubbard avenue in the city of Pittsfield”.

After remarks, the amendment was **adopted**.

Mr. Timilty moved that the proposed new text be amended in section 2E, in item 6420-1317, by striking out the wording and inserting in place thereof the following wording:- “For the implementation of the registry of motor vehicles modernization and improvement program; provided further, that the Registry of Motor Vehicles Division shall obtain an assessment for independent verification and validation (IV&V) and independent project management oversight for the RMV modernization & improvement program under chapter 6C of the General Laws.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty minutes before six o’clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 10 — nays 28*) [**Yeas and Nays No. 268**]:

YEAS.

Hedlund, Robert L. Petruccelli, Anthony

Humason, Donald F., Jr. Ross, Richard J.

Kennedy, Thomas P. Rush, Michael F.

Moore, Michael O. Tarr, Bruce E.

Moore, Richard T. Timilty, James E. — **10.**

NAYS.

Barrett, Michael J. Forry, Linda Dorcena

Brewer, Stephen M. Jehlen, Patricia D.

Brownsberger, William N.	Joyce, Brian A.
Candaras, Gale D.	Keenan, John F.
Chandler, Harriette L.	Lovely, Joan B.
Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	Montigny, Mark C.
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.	Spilka, Karen E.
Finegold, Barry R.	Welch, James T.
Flanagan, Jennifer L.	Wolf, Daniel A. – 28.

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

Mr. Petruccelli moved that the proposed new text be amended by inserting at the end thereof the following new section:-

“SECTION XX. Section 2D of Chapter 85 of the General Laws, as so appearing in the 2012 Official edition, is hereby amended by striking out lines 13 through 41.”

The amendment was **adopted**.

Mr. Timilty moved that the proposed new text be amended by inserting in item 6121-1317 the following:- “provided further, that \$500,000 shall be expended to construct a sidewalk between

Hitching Post drive and Williams street on route 1A in the town of Walpole”.
The amendment was *rejected*.

Mr. Timilty moved that the proposed new text be amended by inserting in item 6121-1317 the following:- “provided further, that \$800,000 shall be provided for traffic signalization at the intersection of route 140 and Central street within the town of Foxborough”.
The amendment was *rejected*.

Ms. Flanagan moved that the proposed new text be amended in section 2A by inserting the following item:-
6121-1317: “provided further, that not less than \$1,239,000 be expended for the reconstruction and improvement of Betty Spring Road in Gardner from Pearl Street to the Westminster town line.”
The amendment was *rejected*.

Mr. Petruccelli moved that the proposed new text be amended by inserting at the end thereof the following section:-
“SECTION XX: Section 1: Chapter 6C of the general laws, as appearing in the 2012 official edition, is hereby further amended by inserting after section 10 the following section:-
Section 10A. There shall be within the department an office of outdoor advertising, which shall oversee, administer, regulate and control, in the public interest, the erection and maintenance of billboards, signs or other advertising devices in accordance with state and federal law. The office shall be under the administration and supervision of a director who shall be an employee of the department. The director shall coordinate with other employees of the department to administer and oversee the erection and maintenance of billboards, signs or other advertising devices along public ways, and in enforcing the rules and regulations of the office. Whenever any action by the office is required to be in writing, such writing shall be sufficient when signed by the director. The director shall make an annual report for the preceding calendar year setting forth the total number of active outdoor advertising permits, annual receipts, new permit issuances, number of permits surrendered, permit transfer approvals, number of hearings held and other relevant matters to the administrator of the highway division.
The department may make, amend or repeal rules and regulations for the proper control and restriction of billboards, signs and other advertising devices on public ways or on private property within view of any public way, public park or reservation. Such rules and regulations may: require that said billboards, signs or other devices be located in business, commercial, industrial, marketing or mercantile areas, or on unrestricted commercial arteries and adjacent to commercial enterprises; prescribe standards of size, setback clearance and other criteria, considering the public interest; require said billboards, signs or other devices to be authorized by the department by the issuance of permits in accordance therewith and with this section; and prescribe permit fees and fines. Said fees need not be uniform throughout the commonwealth. No permit, whether permanent or temporary, for a billboard, sign or other advertising device shall be issued unless the applicant provides written notice of the application stating the proposed location to the city or town in which the proposed billboard, sign or other advertising device is to be located. The director shall have the authority to issue licenses or permits where no objection has been received to the pending application within 60 days of written notice of the application. Except as hereinafter provided, before establishing or amending rules and regulations under this section, the department shall hold duly advertised public hearings in Boston and in such other

cities and towns within the commonwealth as the department deems necessary or expedient. Cities and towns may further regulate and restrict said billboards, signs or other devices within their respective limits by ordinance or by-law.

Whenever, within 30 days after the permit applicant notifies the city or town, the director receives written objection to an application for a permit from said city or town and written notice of intention to appear in opposition to the application, the director may issue such permit only after a public meeting on due notice to the applicant and the city or town.

Any applicant for a permit, or any city or town wherein a permit was issued, who is aggrieved by the decision of the director with respect to the issuance or revocation of a license or permit for the erection or maintenance of a billboard, sign or other advertising device, may within 30 days thereafter, appeal from such decision to the department. The department shall conduct a hearing and may designate a hearing officer to hold said hearing, after due notice, to determine whether the decision will be affirmed, modified or annulled. The findings of the hearing officer shall be final, subject to the provisions of chapter 30A.

No person, firm, association or corporation shall post, erect, display or maintain on any public way or on private property within public view from any public way, public park or reservation any billboard or other advertising device which advertises or calls attention to any business, article, substance or any other thing, unless such billboard or device conforms to the rules and regulations and ordinances or by-laws established by the department; provided, that this section shall not apply to signs or other devices erected and maintained in conformity with law and which advertise or indicate either the entity which primarily occupies the premises in question or the principal activity or business transacted on-premise, or advertise the property itself or any part thereof as for sale or to let and which contain no other advertising matter.

Any billboard, sign or other device erected without the authorization or permit of the office, or any predecessor thereto, in cases where such authorization or permit is required, or maintained in violation of any rule or regulation of the department, shall be deemed a nuisance. The director of the shall have the same power to abate and remove any such nuisance as is given the board of health of a town under sections 123 to 125, inclusive, of chapter 111, and the provisions of said sections shall, so far as applicable, apply in the case of a nuisance as herein defined. The remedy herein provided shall be in addition to any other remedy provided by law.

The supreme judicial and superior courts shall have jurisdiction in equity upon the petition of the department, the attorney general, of any city or town or any officer thereof, or of any interested party, to restrain the erection or maintenance of any billboard, sign or other advertising device erected or maintained in violation of any rule, or regulation, or any provisions of this chapter and to order the removal or abatement of such billboard, sign or outdoor advertising device as a nuisance.

This section shall not apply to signs or other devices on or in rolling stock of any common carrier nor shall they apply to signs or other devices which are not displayed within view of a public way.

Whoever violates any provision of this section, chapter 93D or any rule, regulation, ordinance or by-law established or adopted shall be punished by a fine of not more than \$1,000 per day following the receipt of notice of said violation.”

The amendment was **adopted**.

Ms. Flanagan moved that the proposed new text be amended in section 2A by inserting the following item:-

6121-1317: “provided further, that not less than \$1,751,000 be expended for the reconstruction

and improvement of Elm Street in Gardner from Pearson Boulevard to the Rotary at Route 101.” After remarks, the amendment was **adopted**.

Mr. Montigny moved that the proposed new text be amended in section 2A in line item 6121-1317 by inserting at the end thereof the following:- “provided further, that \$250,000 shall be expended for Phase I of the Acushnet River Bike Trail Bike Path in the town of Acushnet”. The amendment was *rejected*.

Mr. Humason moved that the bill be amended by inserting at the end of Section 2A, line items 6121-1317 the following sentence:- “provided further, that \$500,000 shall be expended for the repair and improvement of North Westfield street, from the Westfield town line south to Southwick street in the town of Agawam;”. The amendment was *rejected*.

Mr. Montigny moved that the proposed new text be amended in section 2A in line item 6121-1317, by inserting at the end thereof the following:- “provided further, that \$30,000,000 shall be expended for the repair of the Wamsutta street railroad bridge in the city of New Bedford”. The amendment was *rejected*.

Mr. Petruccelli moved that the proposed new text be amended by inserting at the end thereof the following section:-

“SECTION XX. “The General Laws, as appearing in the 2010 official edition, is hereby amended by striking out chapter 93D and inserting in place thereof the following chapter:- Section 1. In this chapter and in chapter 6C unless the context otherwise requires, the following words shall have the following meanings:-

‘Department’, the Massachusetts Department of Transportation established by section 2 of chapter 6C.

‘Information center’, an area or site established and maintained at safety rest areas for the purpose of informing the public of places of interest within the state and providing such other information as the department may consider desirable.

‘Interstate system’, that portion of the national system of interstate and defense highways located within this commonwealth, as officially designated, or as may be hereafter so designated, by the department, and approved by the United States Secretary of Transportation, pursuant to the provisions of Title 23, United States Code, "Highways".

‘Landmark Sign’, a sign that was lawfully in existence on October 22, 1965 as determined by the department and approved by Federal Highway Administration as a landmark sign in accordance with applicable federal regulation.

‘National Highway System’, the federal aid highway system described in section 103(b) of Title 23 of the United States Code.

‘Non-conforming or grandfathered sign’, a sign that was lawfully erected, but which at a later date does not comply with the provisions chapter 6C, this chapter, department regulations, 23 U.S.C. or 23 CFR 750.101 et. seq., or which at a later date fails to comply with the above referenced statutes and regulations due to changed conditions. Illegally erected or maintained signs are not non-conforming or grandfathered signs.

‘On-premise sign’, a sign which consists solely of the name of the establishment or which identifies the establishment's primary or principal products or services offered on the property is an on-premise sign. When a sign consists principally of a logo, brand name or trade name

advertising and the product or service advertised is only incidental to the primary or principal activity, or if the sign generates revenue for the property owner, it shall be considered the business of outdoor advertising and not an on-premise sign. A sale or lease sign which also advertises any product or service not conducted upon and unrelated to the business or selling or leasing the land on which the sign is located is not an on-premise sign.

‘Outdoor advertising’, any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard or other thing which is designed, intended or used to advertise or inform, any part of the advertising or information contents of which is visible from any place on the main travelled way of the interstate, primary systems, public way, public park or reservation.

‘Primary systems’, that portion of connected main highways, as officially designated, or as may hereafter be so designated, by the department, and approved by the United States Secretary of Transportation, pursuant to the provisions of Title 23, United States Code, ‘Highways’.

‘Safety rest area’, an area or site established and maintained within or adjacent to the right of way by or under public supervision or control, for the convenience of the traveling public.

‘Secretary’, the United States Secretary of Transportation.

‘Urban area’, urban area as defined in subsection (a) of section 101 of Title 23 of the United States Code.

Section 2. No outdoor advertising shall be erected or maintained within 660 feet of the nearest edge of the right-of-way and visible from the public way, main travelled way of a highway in the interstate, primary systems or national highway system except the following:

(a) Directional and other official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historic attractions, as required or authorized by law or by the department, and which conform to standards promulgated by the secretary under Title 23 of the United States Code.

(b) Signs, displays and devices advertising the principal business or primary activity conducted on the property upon which they are located.

(c) Signs, displays and devices advertising the sale or lease of property upon which they are located.

(d) Signs, displays and devices which are located in areas which are zoned industrial or commercial under authority of law and which have permits issued under the provisions of section 3.

(e) Signs, displays and devices which are located in unzoned commercial or industrial areas which areas shall be determined from actual land use and defined by regulations to be promulgated by the department and which have permits issued under the provisions of section 3.

(f) Signs lawfully in existence on October 22, 1965 and lawfully maintained thereafter, determined by the department and subject to the approval of the secretary, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance, the preservation of which would be consistent with the purposes of this section, and which have permits issued under the provisions of section 3.

Section 2A. No outdoor advertising shall be erected or maintained more than 660 feet of the nearest edge of the right-of-way and visible from the public way, main travelled way of a highway in the interstate, primary systems or national highway system if such outdoor advertising is located outside of urban areas and erected with the purpose of their message being read from such main travelled way.

Section 2B. Only off-premise signs which have been continuously permitted by the department

and utilized since their erection shall be eligible for non-conforming or grandfathered status. In no event shall on-premise displays be eligible for the protection of non-conforming or grandfathered status. Non-conforming or grandfathered signs shall not be altered in any way other than ordinary maintenance. If any such sign is modified in any way or removed, it shall lose its non-conforming or grandfathered status.

Section 3. Under the procedures set forth in chapter 6C, the department is authorized to issue permits for the erection and maintenance of signs, displays and devices described in clauses (a), (d), (e) and (f), of section 2; provided, however, that the erection and maintenance thereof would comply with applicable ordinances and by-laws, with standards promulgated by the secretary under Title 23, United States Code, and with agreements between the department and the said secretary authorized by section 7 of this chapter. Nothing in this section shall apply to signs, displays or devices referred to in clauses (b) and (c) of section 2.

Nothing in this chapter shall be construed to prohibit the department from adopting lawful regulations imposing stricter limitations with respect to signs, displays and devices on the public way, interstate, primary systems or national highway systems.

Section 4. Any outdoor advertising which violates the provisions of chapter 6C or this chapter shall be deemed a public nuisance. The department shall have the same power to abate and remove any such nuisance as is given the board of health of a town under sections 123 to 125, inclusive, of chapter 111, and the provisions of said sections shall, so far as applicable, apply in the case of a nuisance as herein defined. The remedy provided herein shall be in addition to any other remedy provided by law.

Section 5. The supreme judicial and superior courts shall have jurisdiction in equity upon the petition of the department, the attorney general, of any city or town or any officer thereof, to restrain the erection or maintenance of any outdoor advertising erected or maintained in violation of any provisions of this chapter, and to order the removal or abatement of such outdoor advertising as a nuisance.

Section 6. The department is hereby authorized to maintain maps and to permit informational directories and advertising signs and pamphlets to be made available at rest areas, and to establish centers at rest areas for the purpose of informing the public of places of interest within the commonwealth and providing such other information as may be considered desirable.

Section 7. The department is hereby authorized to enter into an agreement with the secretary, as provided by Title 23 of the United States Code, to establish standards for size, lighting and spacing of signs, displays and devices described in subsections (d) and (e) of section 2, and to define an unzoned commercial or industrial area for the purposes of said section, and to take action in the name of the commonwealth to comply with the terms of such agreement.

The department is further authorized to enter into an agreement with the secretary as provided by said Title 23 of the United States Code, relating to the establishment of information centers at safety rest areas, and to take action in the name of the commonwealth to comply with the terms of such agreement.”

The amendment was **adopted**.

Mr. Ross moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof, the following:- “Provided further, that \$1,000,000 shall be expended for Chestnut Street road and intersection improvements in the town of North Attleboro;”.

The amendment was *rejected*.

Mr. Montigny moved that the proposed new text be amended in section 2A in item 6121-1317, by inserting at the end thereof the following:- “provided further, that \$ 500,000 be expended for Padanaram Bridge repair and reconstruction in the town of Dartmouth”.

The amendment was *rejected*.

Mr. Humason moved that the proposed new text be amended by inserting at the end of section 2A, line item 6121-1317, the following sentence:- “provided further, that \$2,000,000 shall be expended for the design and reconstruction of Dwight, Front and Heritage Streets for sidewalk improvements, crosswalk upgrades, and roadway improvements to the Transit Oriented Development (TOD) District Project in the town of Agawam;”.

The amendment was *rejected*.

Mr. Montigny moved that the proposed new text be amended in section 2A in item 6121-1317, by inserting at the end thereof the following:- “provided further, that \$2,000,000 shall be expended to reconstruct roadways, sidewalks, lights and traffic signals on Rivet street between Route 18 and Goulart Square in New Bedford and County street between Rivet street and Cove road in the city of New Bedford”.

The amendment was *rejected*.

Mr. McGee moved that the proposed new text be amended by deleting section 18 and adding in place thereof the following new section:-

“SECTION _____. Notwithstanding any other general or special law to the contrary, all construction contracts funded in whole or in part by the funds authorized by this act shall include a price adjustment clause for each of the following: fuel, both diesel and gasoline, asphalt, concrete and steel. A base price for each material shall be set by the awarding authority or agency and included in the bid documents at the time a project is advertised. The awarding authority or agency shall also identify in the bid documents the price index to be used for each material or supply. The adjustment clause shall provide for a contract adjustment to be made on a monthly basis when the monthly cost change exceeds plus or minus 5 per cent.”

The amendment was **adopted**.

Mr. Montigny moved that the proposed new text be amended in section 2A in line item 6121-1317, by inserting at the end thereof the following:- “provided further, that \$12,000,000 shall be expended on the dredging of New Bedford Harbor”.

The amendment was *rejected*.

Mr. Humason moved that the proposed new text be amended by inserting at the end of Section 2A, line item 6121-1317, the following sentence:- “provided further, that \$125,000 shall be expended to study safety improvements, including traffic lights and sidewalks, on College highway in the town of Southampton;”.

The amendment was *rejected*.

Mr. Downing moved that he proposed new text be amended by striking out section 19 and inserting in place thereof the following section:-

“SECTION 19. Notwithstanding any general or special law to the contrary, each city or town that receives reimbursement for the construction and reconstruction of municipal ways under item 6122-1224 of section 2A shall prepare on or before March 1 2015, a 5-year plan for such

construction or reconstruction. The city or town may use money made available from said item 6122-1224 of said section 2A to prepare such a plan. A city or town may develop a regional plan under this section in collaboration with other cities or towns, or the regional planning agency containing the city or town.”

The amendment was *rejected*.

Mr. Downing moved that the proposed new text be amended in section 22 by inserting, in line 890, after the word “association” the following language:- “1 representative of a city and 1 representative of a town, both of whom shall be from a list of 4 nominees submitted by the Massachusetts Municipal Association”.

The amendment was *rejected*.

Mr. Humason moved that the proposed new text be amended by inserting at the end of Section 2A, line item 6121-1317, the following sentence:- “provided further, that \$200,000 shall be expended for engineering of Shurtleff Brook Bridge and Munn Brook Bridge in the town of Southwick;”.

The amendment was *rejected*.

Mr. Montigny moved that the proposed new text be amended in section 2A in item 6121-1317, by inserting at the end thereof the following:- “provided further, that \$500,000 shall be expended for construction of the South Main Street public parking lot in the town of Acushnet”.

The amendment was *rejected*.

Mr. Humason moved that the proposed new text be amended by inserting at the end of Section 2A, line item 6121-1317, the following sentence:- “provided further, that \$850,000 shall be expended for the construction of a bike path in the town of Southampton;”.

The amendment was *rejected*.

Ms. Lovely moved that the proposed new text be amended in section 2A, in item 6121-1317, by adding at the end thereof the following:- “provided further that funds shall be expended for the Salem Route 107/Highland Avenue Corridor improvements project”.

The amendment was **adopted**.

Mr. Tarr moved that the proposed new text be amended by inserting after section 2G the following sections:-

“SECTION_. Section 50 of Chapter 7 as appearing in the 2012 Official Edition is hereby amended by inserting after the first sentence the following sentence: ‘For the purposes of this section, the term ‘system’ shall include the Massachusetts Bay Transportation Authority retirement fund or any other retirement plan to which the Massachusetts Bay Transportation Authority is making contributions within any calendar year.

SECTION_. Section 21 of Chapter 32 as appearing in the 2012 Official edition is hereby amended by inserting after the first sentence of paragraph (a) of subdivision (1) the following sentence: ‘For the purposes of this section, the term ‘system’ shall include the Massachusetts Bay Transportation Authority retirement fund.’

Section_. Section 21 of said Chapter 32, subdivision (2) is hereby amended by inserting after the words, “The Massachusetts Bay Transportation Authority shall reimburse the commonwealth for such proportion of such expenses attributable to its police retirement system” the following

words:- ‘and for such proportion of such expenses attributable to the Massachusetts Bay Transportation Authority retirement fund’.”

After remarks, the amendment was *rejected*.

Mr. Keenan moved that the proposed new text be amended in section 2A, by adding the following language:- “provided further, that \$100,000 shall be expended for a feasibility and design study to examine the potential development of an intermodal transportation center as an expansion to the existing parking garage at the Braintree Massachusetts Bay Transportation Authority station”.

The amendment was *rejected*.

Mr. Keenan moved that the proposed new text be amended in section 2A in line item 2890-7020 by adding the following language:- “provided further, that not less than \$100,000 shall be expended for the design, engineering and construction for the Public Landing in the neighborhood of Houghs Neck in the city of Quincy”.

The amendment was *rejected*.

Mr. Humason moved that the proposed new text be amended by inserting the following section:- “SECTION XXX Notwithstanding any general or special law to the contrary, the Massachusetts Department of Transportation is hereby authorized to purchase the parcel of land for the proposed Phase II of the Route 57 project located in Agawam.”

After remarks, the amendment was **adopted**.

Messrs. Ross and Downing moved that the proposed new text be amended by inserting the following new section:-

“SECTION XX. Notwithstanding any special or general law, rule or regulation to the contrary, the Executive Office of Health and Human Services shall, within 5 days of the effective date of this act, release the three technical memorandums and any other work papers prepared by Trans-Systems Inc. under contract with the Human Service Transportation Office through a 2010 federal grant issued by the Executive Office of Transportation to study the Human Service Transportation system to the house and senate committees on ways and means. The memorandums and work papers shall be made available on the Executive Office of Health and Human Services’ website.”

The amendment was *rejected*.

Mr. Ross moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof, the following:- “Provided further, that \$1,000,000 shall be expended for Smith Street roadway and sidewalk reconstruction in the town of North Attleboro;”.

The amendment was *rejected*.

Mr. Richard T. Moore moved that the proposed new text be amended by inserting, in section 2A, in item 6121-1317, at the end thereof, the following:- “; provided further, that funds shall be expended for ramp reconstruction, relocation, and reconfiguration at the intersection of interstate highway route 495 and state highway route 126 in the town of Bellingham”.

After remarks, the amendment was **adopted**.

Mr. Humason moved that the proposed new text be amended by inserting at the end of section 2A, line item 6121-1317, the following sentence:- “provided further, that \$710,000 shall be expended for the reconstruction of pavement, guard rails, and culverts for Granville Road, Fred Jackson Road, and South Loomis Street in the town of Southwick;”.

The amendment was *rejected*.

Ms. Spilka moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof the following:- “provided further, that not less than \$5,000,000 shall be expended for the construction of a parking garage in downtown Natick”.

The amendment was **adopted**.

Mr. Hedlund moved that the proposed new text be amended in section 2A, in item 6121-1317, by adding at the end thereof the following:- “; provided further, that in conjunction with the completion of the permanent Fore River Bridge, not less than \$5,000,000 shall be expended for reconstruction and improvements on Route 3A between the Fore River Bridge and Bicknell Square in the Town of Weymouth, including sidewalk repair or replacement”.

The amendment was **adopted**.

Mr. Joyce moved that the proposed new text be amended in section 2A, by inserting after the word “Malden” in line 420, the following words:- “; provided further that funds shall be expended for improvements to the Dedham street corridor, including the interstate 95 north-bound ramp on to Dedham street in the town of Canton”.

The amendment was **adopted**.

Mr. DiDomenico moved that the proposed new text be amended in Section 2A, item 6121-1317, by inserting at the end thereof the following:- “provided further, funding shall be expended for design and reconstruction of River Street in Cambridge from Memorial Drive to Central Square”.

The amendment was **adopted**.

Mr. DiDomenico moved that the proposed new text be amended in section 2A, item 6121-1317, by inserting at the end thereof the following:- “provided further, that \$75,000 shall be expended for the reconstruction of the sidewalk on the northerly side of upper Broadway in the City of Malden”.

The amendment was **adopted**.

Mr. Ross moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting at the end thereof, the following:- “provided further, that \$300,000 shall be expended for safety study and improvements for the intersection of Route 140 and Panther Way in the town of Franklin;”.

The amendment was *rejected*.

Ms. Creem moved that the proposed new text be amended in section 2A, by inserting after the words “low car trains”, in line 61, the following words:- “provided further, that the MBTA shall conduct an engineering study to review safety and accessibility at the Newtonville commuter rail station and recommend improvements to bring the station into compliance with the Americans with Disabilities Act, and that these recommendations shall be reported no later than December

31, 2014;”.

The amendment was **adopted**.

Mr. Tarr moved that he proposed new text be amended by inserting after section__, the following new section:-

“SECTION__. The secretary of transportation, in consultation with the secretary of administration and finance, shall file a report updating the department’s progress in achieving the compliance goals outlined in section 62 of chapter 46 of the acts of 2013. Said report shall include, but not be limited to: (1) the number of employees with salaries funded by capital expenditures in fiscal year 2014; (2) the total cost of employee salaries charged to capital expenditures in fiscal year 2014; and (3) the number of employees and total cost of employee salaries that the department estimates will be moved from capital expenditures to operating expenditures in fiscal years 2015 and 2016. The report shall be filed with the joint committee on transportation, the house and senate committees on bonding, capital expenditures and state assets, and the house and senate committees on ways and means within 180 days of the passage of this act. The Registry of Motor Vehicles shall not implement any fee increases until said report is filed.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at eight minutes past six o’clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 6 — nays 31*) [**Yeas and Nays No. 269**]:

YEAS.

Hedlund, Robert L. Moore, Richard T.

Humason, Donald F., Jr. Ross, Richard J.

Moore, Michael O. Tarr, Bruce E. — **6.**

NAYS.

Barrett, Michael J. Joyce, Brian A.

Brewer, Stephen M. Keenan, John F.

Brownsberger, William N. Kennedy, Thomas P.

Candaras, Gale D.	Lovely, Joan B.
Chandler, Harriette L.	McGee, Thomas M.
Chang-Diaz, Sonia	Montigny, Mark C.
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.	Rush, Michael F.
Eldridge, James B.	Spilka, Karen E.
Finegold, Barry R.	Timilty, James E.
Flanagan, Jennifer L.	Welch, James T.
Forry, Linda Dorcena	Wolf, Daniel A. – 31.
Jehlen, Patricia D.	

ABSENT OR NOT VOTING.

Petrucelli, Anthony –
1.

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

Mr. Brownsberger moved that the proposed new text be amended in section 2A, line item 6121-1317 by adding the following words at the end thereof:- “provided further, that \$725,000 shall be expended for the various improvements and to create a coordinated multi-use community path through the center of the town of Watertown;”.

After remarks, the amendment was **adopted**.

Ms. Chandler moved that the proposed new text be amended in section 2A, in item 6121-1317, by inserting after the word “Princeton”, in line 56, the following words:- “; provided further, that design, construction and other related items necessary to relocate the department’s district 3 offices from their current site to another suitable location shall be initiated”.

The amendment was **adopted**.

Mr. Tarr moved that the proposed new text be amended by inserting in the end thereof the following section: -

“SECTION __. Chapter 161A of the General Laws, as most recently amended by chapter 119 of the Acts of 2012, is hereby amended by inserting at the end thereof the following new section: Section 50. Notwithstanding any general or special law to the contrary, the department or the authority shall not undertake any system expansion, defined as encompassing the development, conceptual planning, design and construction of any effort to expand the scope of services at the authority, until the department or the authority conducts a cost analysis and certifies that the project will not prevent the authority from contributing 34 per cent of the authority’s operating budget annually. This cost analysis shall include any and all costs associated with the project, including debt service, construction costs, future maintenance and associated costs. The auditor of the commonwealth shall request that the administrator of the appropriate division of the department prepare the fiscal analysis, including life cycle costs, demonstrating that sufficient revenues exist or will be generated to operate and maintain the project in good repair the expansion. This analysis shall also be submitted to the joint committee on revenue. Nothing in this section shall be construed to prevent any system enhancement, defined as encompassing capital projects that improve existing service and foster increased ridership on exiting transit systems.”

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting the following at the end of section 2A:- “provided further that \$500,000 shall be expended for the installation and public safety upgrade for a traffic signal at the intersection at Route 1 and Central Street located in the town of Rowley”.

The amendment was **adopted**.

Ms. O’Connor Ives moved that the proposed new text be amended in section 2A, line item 6121-1317, by adding the following:- “provided further, that not less than \$1,000,000 shall be expended for access to stairs or ramp and parking to the Route 95 Whittier Bridge shared-use path at Main Street in the City of Amesbury; provided further, that \$500,000 shall be expended for the planning and construction of the Bradford rail trail in the City of Haverhill; provided further, that not less than \$500,000 shall be expended for the survey and design and

improvements to the Rail Trail in the City of Methuen; provided further, that not less than \$100,000 shall be expended for the planning of traffic signalization at the intersection of State Highway Route 113 and Tyler Street in the City of Methuen; provided further, that not less than \$1,200,000 shall be expended to study the drainage issues and design, permit and resurface of raised Route 1A (Beach Road at County Road) in the Town of Salisbury; provided further, that \$1,500,000 shall be expended for resurfacing of Merrimack Street in the City of Methuen; provided further, that not less than \$1,250,000 shall be expended for the design and reconstruction with streetscape of Route 150 historic gateway on Market Street to Main Street in the City of Amesbury”.

The amendment was **adopted**.

Ms. Candaras and Mr. Welch moved that the proposed new text be amended in section 2a, in item 6121-1317, by inserting the following new language:- “provided further, that \$2,000,000 shall be expended for redesign and safety improvements on Roosevelt Avenue at the Island Pond Road and Alden Street intersections in the City of Springfield”.

The amendment was **adopted**.

Mr. McGee moved that the proposed new text be amended by inserting at the end thereof the following section:-

“SECTION _____. Notwithstanding chapter 32 of the General Laws or any other general or special law to the contrary, the state board of retirement, established under section 18 of chapter 10 of the General Laws, shall establish and implement a retirement incentive solely for certain employees of the highway division of the department of transportation whose positions are eliminated due to the cessation of manual toll collection on the Turnpike as defined in section 1 of chapter 6C, hereinafter referred to as the “retirement incentive program”, in accordance with this act. In order to be deemed eligible by said board for any of the benefit options under the retirement incentive program, said employee: (i) shall be an employee of the highway division of the department of transportation hired on or before January 1, 2014 whose position is eliminated as a result of the cessation of manual toll collection on the Turnpike; (ii) shall be in the job title Toll Collector I, Toll Collector II, Toll Courier I or Toll Courier II, or a member of collective bargaining unit D as established by the Master Labor Integration Agreement dated December 28, 2010 and referenced by Chapter 27 of the Acts of 2011; (iii) shall work until the last day of manual toll collection on the Turnpike; (iv) shall be a member in active service of the state retirement system on the effective date of this act; (v) shall be classified in Group 1 of said retirement system in accordance with clause (g) of subdivision (2) of section 3 of said chapter 32; (vi) shall be eligible to receive a superannuation retirement allowance in accordance with subdivision (1) of section 5 of said chapter 32 upon the date of retirement requested in his written application for retirement with said board or will qualify if the incentive is awarded; (vii) shall have received his pay advices via the commonwealth's human resources compensation management system; and (viii) shall have filed a written application with the board in accordance with section 2.

The total number of eligible employees holding the job title of Toll Collector I, Toll Collector II, Toll Courier I or Toll Courier II who may receive the benefit of the retirement incentive program shall be limited to 200. Employees with a greater number of years of creditable service on the effective date of this act shall be approved by the state retirement board before approval may be given to employees with a lesser number of years of creditable service on the effective date of this act. No employee shall be eligible for more than 1 of the incentives offered in this act and no

employee may become eligible for 1 incentive by virtue of the application of a different incentive.

Words used in this act shall have the same meaning as they are used in said chapter 32 unless otherwise expressly provided or unless the context clearly requires otherwise. An employee who retires and receives an additional benefit in accordance with this act shall be deemed to be retired for superannuation under said chapter 32 and shall be subject to all of said chapter 32.

SECTION _____. Notwithstanding any provision of section 5 of chapter 32 of the General Laws that requires a retirement date within 4 months of the filing of an application for superannuation retirement, in order to receive the retirement benefit provided by this act, an eligible employee shall file his application for retirement with the state board of retirement no later than 30 days after the last day of manual toll collection on the turnpike or 30 days after June 30, 2016 whichever is later, and the retirement date requested shall be no later than 90 days after the last day of manual toll collection on the turnpike or 90 days from June 30, 2016, whichever is later.

SECTION _____. An employee who is eligible for the retirement incentive program may request in his application for retirement that the state board of retirement credit him with an additional retirement benefit in accordance with this section. Each such employee shall request and receive a combination of years of creditable service and years of age, the sum of which shall not be greater than 5 years, for the purposes of determining his superannuation retirement allowance pursuant to paragraph (a) of subdivision (2) of section 5 of chapter 32 of the General Laws. Notwithstanding the credit, the total normal yearly amount of the retirement allowance, as determined in accordance with said section 5 of said chapter 32, of any employee who retires and receives the retirement incentive program benefit shall not exceed 80 per cent of the average annual rate of his regular compensation as determined in accordance with said section 5 of said chapter 32.

SECTION _____. For a married employee who retires and receives an additional benefit under this act, an election of a retirement option under section 12 of chapter 32 of the General Laws shall not be valid unless (i) it is accompanied by the signature of the member's spouse indicating the member's spouse's knowledge and understanding of the retirement option selected; or (ii) a certification by the state board of retirement that the spouse has received notice of such election as provided in this section. If a member who is married files an election which is not signed by the spouse, the state board of retirement shall notify the member's spouse within 15 days by registered mail of the option election and the election shall not take effect until 30 days after the date on which the notification was sent, any such election may be changed by the member at any time within 30 days or at any other time permitted under said chapter 32. Nothing in this section shall affect the effective date of any retirement allowance but, in the event of any election having been filed which is not so accompanied, the payment of any allowance so elected shall not be commenced earlier than 30 days after the state board of retirement sends the required notice.

SECTION _____. The state board of retirement shall provide retirement counseling to employees who choose to consider retiring or who choose to retire under the retirement incentive program. Such counseling shall include, but not be limited to, the following: (i) a full explanation of the retirement benefits provided by this act; (ii) a comparison of the expected lifetime retirement benefits payable to an employee under the retirement incentive program and under the existing chapter 32 of the General Laws; (iii) the election of a retirement option under section 12 of said chapter 32; (iv) the restrictions on employment after retirement; (v) the laws relative to the payment of cost-of-living adjustments to the retirement allowance; and (vi) the effect of federal and state taxation on retirement income. The group insurance commission shall provide

counseling about the provision of health care benefits under chapter 32A of the General Laws. Each such employee shall sign a statement that he has received the counseling or that he does not want to receive the counseling prior to the approval by the state board of retirement of such employee's application for superannuation benefits and the additional benefit provided by this act.

Pursuant to section 98 of said chapter 32, the state treasurer may make advance payments in an amount not to exceed any retirement allowance actually due to an employee who is eligible for and who has filed an application for retirement under the retirement incentive program and who does not receive a retirement allowance within 90 days after submitting a retirement application, during such period as is necessary for the processing of the application for retirement.

SECTION _____. The comptroller, in conjunction with the state board of retirement, shall certify to the house and senate committees on ways and means within 30 days of the cessation of manual toll collection on the turnpike the total value of compensation of the last pay period prior to the last day of manual toll collection on said turnpike, of each individual that has enrolled in the retirement incentive program.

SECTION _____. The provisions of this act shall take effect on June 30, 2016 or the last day of manual toll collection on the turnpike, as defined in section 1 of chapter 6C, as certified to the state retirement board by the secretary of transportation or his designee, whichever date is later. The amendment was **adopted**.

Mr. McGee moved that the proposed new text be amended by inserting before section 3 the following section:-

“SECTION A. The definition of ‘Design-build-finance-operate-maintain’ in section 62 of chapter 6C of the General Laws, as appearing in the 2012 Official Edition, is hereby by striking out the last sentence and inserting in place thereof the following 2 sentences:- Any potential availability payments to be appropriated by the commonwealth while services are being provided by the contractor during the contract period shall be identified in the request for proposals and contract. The financial amount and duration of such potential availability payments and the terms and conditions upon which it may appropriated shall be identified in the request for proposals and contract.”

The amendment was **adopted**.

Mr. Tarr moved that the proposed new text be amended by inserting at the end thereof the following section:-

“SECTION _____. Sections 52 to 55 of Chapter 7 of the General Laws shall not apply to any contracts issued using the funds provided in this act.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-one minutes before seven o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 6 — nays 31*) [**Yeas and Nays No. 270**]:

YEAS.

Barrett, Michael J.

Joyce, Brian A.

Hedlund, Robert L. Ross, Richard J.

Humason, Donald F., Jr. Tarr, Bruce E. – 6.

NAYS.

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. Rush, Michael F.

Finegold, Barry R. Spilka, Karen E.

Flanagan, Jennifer L. Timilty, James E.

Forry, Linda Dorcena Welch, James T.

Jehlen, Patricia D. Wolf, Daniel A. – **31.**

Keenan, John F.

ABSENT OR NOT VOTING.

Petrucelli, Anthony –
1.

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

The President in the Chair, Mr. Brewer moved that the proposed new text be amended in section 2A, in item 6121-1317, by striking out, in lines 144 to 146, inclusive, the words “provided further, that \$500,000 shall be expended for design and permitting to improve safety, bus prioritization and accessibility at the intersection of Fresh Pond parkway and Mount Auburn street in the city of Cambridge”;

In said section 2A, in said item 6121-1317, by inserting after the word “Vineyard”, in line 348, the following words:- “; provided further, that that up to \$10,000,000 shall be expended or transferred directly to the town of Milton for improvements to the department of conservation and recreation Blue Hills parkway in town of Milton”;

In said section 2A, in said item 6121-1317, by adding the following words:- “; provided further, that \$750,000 shall be expended for design and construction for Phase 2 of Main street in North Easton village in the town of Easton; provided further, that \$2,000,000 shall be expended for the maintenance, repair and construction of the Hospital road bridge in the town of Monson; provided further, that \$ 5,000,000 shall be expended on the construction of a walkway on top of the hurricane barrier from West Rodney French boulevard to Padanaram avenue along Clark's Cove in the city of New Bedford; and provided further, that \$5,106,000 shall be expended for the reconstruction of Taylor avenue from White Horse road to Manomet Point road in the town of Plymouth”;

In section 2C, in item 6621-1308, by striking out, in line 491, the words “not exceed” and inserting in place thereof the following words:- “be of greater value than”; and

By inserting after the word “Fund” in lines 656, 667, 677 and 688, in each instance, the following words:- “or the Commonwealth Transportation Fund”.

The amendment was **adopted**.

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

The Bonding, Capital Expenditures and State Assets amendment was then adopted, as

amended.

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

The question on passing the bill, as amended, to be engrossed was determined by a call of the yeas and nays, at eleven minutes before seven o'clock P.M., on motion of Mr. Brewer, as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 271**]:

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.	Murray, Therese
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
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. – **38.**

NAYS – 0.

ABSENT OR NOT VOTING.

Petrucelli, Anthony –
1.

The yeas and nays having been completed at nine minutes before seven o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment. [For text of Senate amendment, see Senate, No. 2023, printed as amended.]
Sent to the House for concurrence in the amendment.

Order Adopted.

On motion of Ms. Candaras,--

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 Elaine C. O'Brien

The Senator from Plymouth and Barnstable, Ms. Murray, moved that when the Senate adjourns today, it do so in memory of Connecticut State Representative Elaine C. O'Brien.
Representative Elaine C. O'Brien passed away on Friday, February 21. Representative O'Brien

was born Elaine Catherine Corrigan in Medford, Massachusetts, on August 1, 1955, and grew up in Somerville. In 1972, she became the youngest girl ever to graduate from the flight school at Beverly Airport, and for several years made a living as a pilot and a flight instructor, eventually flying scheduled and charter flights for a commuter airline. Her career took her to Harrisburg, Pennsylvania. Elaine had 3 sons in quick succession, and completed her college studies at Penn State. She obtained a Masters in Public Administration from Westfield State University, studying at night. The O'Brien family moved to Suffield, Connecticut, where she became active in school issues, first as president of the PTA, followed by 13 years of elected service on the School Committee, where she was a major advocate for the construction of a new high school. She served on the Planning and Zoning Board, and was a past president of the Suffield Rotary Club. State Representative Elaine O'Brien was first elected to the Connecticut General Assembly in 2010 to represent the 61st Assembly District, which includes Suffield, and parts of East Granby and Windsor. She also began serving as Town Clerk April 1st 1998 a position she held until her death. As a resident of Suffield, Elaine has been involved in the local community for over 20 years, both as a member of local government and as a community volunteer. Her family was very important to her, and she to them. In 2010 she married Justin Donnelly, a Suffield attorney and friend who had coached her son's little league team. He remained by her side until her passing. In addition to her husband, Elaine leaves 3 sons: John and his wife Sara, attorneys in New York; Daniel, a financial planner in Springfield; and Thomas, a PhD candidate in social psychology at UMass Amherst. In Massachusetts, she also leaves her parents, John and Helen Corrigan of Somerville; a brother, Jack Corrigan and his wife Kathleen of Brookline; a brother, Jim Corrigan and his wife Nikki; a sister, Norma and her husband Randy Bohrer of Framingham, and a sister, Joanne Corrigan, of Medford. She also loved her Donnelly stepchildren: Jay, Steven, Sean, Cassandra, Zeke, Jake, and Hannah, and was a terrific aunt to her nieces and nephews, Matthew, Patrick, Megan and Sophia Corrigan, and Michael and Eric Bohrer.

Adjourn In Memory of Judge Arthur "Archie" Sherman

The Senator from Middlesex and Norfolk, Ms. Creem moves that when the Senate adjourns today, it do so in memory of Judge Arthur "Archie" Sherman.

Judge Arthur "Archie" Sherman, one of Massachusetts' most dedicated public servants, died Wednesday, February 26, 2014 at the age of 85.

A graduate of Boston Latin School, Harvard College and Harvard Law School, Arthur Sherman married his beloved late wife, Norma in 1953, the same year he passed the Bar and entered private practice. In 1972 Governor Francis W. Sargent appointed him to the Cambridge District Court. Judge Sherman was highly respected by all, and was well known for the wisdom and guidance he provided to the many young attorneys and judges he dealt with during his 26 years on the bench.

He was an indefatigable advocate for improvements in the judicial system, and particularly responsible for the elimination of trial de novo by the legislature, resulting in Massachusetts' one-trial system.

Judge Sherman was a past chairman of Newton Crime Commission; and past director and vice president of the Greater Boston Association for Retarded Citizens.

Judge Arthur “Archie” Sherman will be deeply missed by his children, Jayne Lampert, Barbara Levison, Michael Sherman and Paul Sherman, his brother, Albert “Albie” Sherman, their families and his many friends.

Accordingly, as a mark of respect in memory of Connecticut State Representative Elaine C. O’Brien and Judge Arthur “Archie” Sherman, at four minutes before seven o’clock PM, on motion of Ms. Creem, the Senate adjourned to meet again on Monday next at eleven o’clock A.M.