

NOTICE: While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Monday, March 17, 2014.

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

The Senator from Essex and Middlesex, Mr. Tarr, then led Chair (Mr. Rosenberg), members, guests and staff in the recitation of the pledge of allegiance to the flag.

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Tarr, a petition (subject to Joint Rule 12) of Bruce E. Tarr, James R. Miceli, Matthew A. Beaton, Shawn Dooley and other members of the General Court for legislation relative to the expenditure of certain municipal and district monies; and
By the same Senator, a petition (subject to Joint Rule 12) of Bruce E. Tarr, James R. Miceli, Matthew A. Beaton, Shawn Dooley and other members of the General Court for legislation to increase the amount that can be appropriated from the balance of a capital project fund;

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

Reports of Committees.

By Ms. Chang-Diaz, for the committee on Education, on Senate Nos. 242 and 246 and House Nos. 364, 389 and 478, a Bill relative to healthy kids (Senate, No. 2047);

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

By Ms. Forry, for the committee on the Municipalities and Regional Government, on petition, a Bill to encourage municipal recycling and composting (Senate, No. 940, changed by adding after section 4 the following section:

“Section 5. Said section 8H of Chapter 40 of the General Laws as so appearing is hereby further amended in line 17 by inserting after the word ‘curbside’ the following: “All municipalities shall have 3 years to comply with the directive of said section and bring their recycling capacity up to at least 50 percent of the state average’.”) (Representatives Durant of Spencer and Kuros of Uxbridge dissenting);

By the same Senator, for the same committee, on petition, a Bill to increase recycling by landlords and tenants (Senate, No. 941) (Senator Ross and Representatives Durant of Spencer and Kuros of Uxbridge dissenting);

By the same Senator, for the same committee, on petition, a Bill relative to prohibiting the use or sale of polystyrene packaging (Senate, No. 953); and

By the same Senator, for the same committee, on petition, a Bill to authorize the Wilkinsonville Water District to convey a certain parcel of land (Senate, No. 1995);

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

By Ms. Forry, for the committee on Municipalities and Regional Government, on petition, a Bill to authorize the temporary use of certain park lands in the city of Newton (Senate, No. 1991) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill to amend the charter of the city known as the town of Greenfield (Senate, No. 1994) [Local approval received]; and
By the same Senator, for the same committee, on petition, a Bill to establish a charter for the town of Wrentham (Senate, No. 2005) [Local approval received];
Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Committees Discharged.

Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration
Of the Senate Order relative to authorizing the joint committee on Labor and Workforce Development to make an investigation and study of certain current Senate and House documents relative to labor and workforce issues (Senate, No. 2036); and
Of the Senate Order relative to authorizing the joint committee on Mental Health and Substance Abuse to make an investigation and study of certain current Senate documents relative to mental health and substance abuse issues (Senate, No. 2038);
And recommending that the same severally be referred to the committee on Ethics and Rules.
Under Senate Rule 36, the reports were severally considered forthwith and accepted.

PAPERS FROM THE HOUSE

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3948) of Theodore C. Speliotis and Joan B. Lovely (by vote of the town) that the town of Danvers be authorized to grant six additional licenses for the sale of all alcoholic beverages to be drunk on the premises; and
Petition (accompanied by bill, House, No. 3949) of Theodore C. Speliotis, Leah Cole and Joan B. Lovely (with the approval of the mayor and city council) that the city of Peabody be authorized to grant ten additional licenses for the sale of all alcoholic beverages to be drunk on the premises;

Severally, to the committee on Consumer Protection and Professional Licensure.

Bills

Relative to flood insurance (House, No. 3783, amended,-- on petition);
Authorizing the granting of easements at Northern Essex Community College in Haverhill (House, No. 3905,-- on petition);
Establishing a sick leave bank for Leanne O'Donoghue, an employee of the Department of Children and Families (House, No. 3916,-- on petition); and
Relative to the list of legal investments prepared by the Commissioner of Banks (House, No. 3954,-- on House, No. 891);
Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Bills

Designating a certain overpass in the town of Barnstable as the U.S. Navy SEAL Kevin A. Houston Veterans Memorial Overpass (House, No. 3101,-- on petition);
Relative to breast cancer early detection (House, No. 3733,-- on House, No. 1050); and
Relative to the indemnification of certain fire districts (House, No. 3953,-- on House, No. 1858);
Were severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

Reports

Of the committee on State Administration and Regulatory Oversight, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2870) of John H. Rogers and others for legislation to direct the State Comptroller to forward remaining payments due in accordance with a certain civil judgments due as a result of the abuse by state employees documented in Davis v. Rennie, et al.,-- **and recommending that the same be referred to the committee on the Judiciary;**
and

Of the committee on House Steering, Policy and Scheduling asking to be discharged from further consideration of the House Bill to prevent concussion and head injury (House, No. 3724);-- **and recommending that the same be referred to the committee on Public Safety and Homeland Security;**
Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

The House Bill financing improvements to the Commonwealth's transportation system (House, No. 3882),— **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. 2033) and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Straus of Mattapoisett, Kulik of Worthington and Durant of Spencer had been appointed the committee on the part of the House. On motion of Mr. Tarr, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators McGee, Brewer and Hedlund were appointed on the part of the Senate. The bill was returned to the House endorsed accordingly.**

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

The Senate Bill authorizing the town of Oakham to continue the employment of Fire Chief Thomas Snay (Senate, No. 1999),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.**

Reports of Committees.

Mr. Rosenberg, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill designating a certain bridge in the town of Andover as the Andover Veterans of the Iraqi and Afghanistan War Memorial Bridge (Senate, No. 1967).

The rules were suspended, on motion of Mr. Tarr, 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 designating a certain bridge in the town of Andover as the Andover Veterans of the Iraq and Afghanistan Wars Memorial Bridge".

Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Cynthia Salsman, an employee of the Soldiers' Home in Massachusetts (Senate, No. 2029),-- ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

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

Petition (accompanied by bill, House, No. 3963) of William M. Straus and Paul K. Frost for legislation to authorize bow and arrow hunting on Sundays;

Under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 3964) of William C. Galvin and Louis L. Kafka for legislation to establish a sick leave bank for Carmen Mahone, an employee of the Trial Court;

Under suspension of Joint Rule 12, to the committee on the Judiciary.

Petition (accompanied by bill, House, No. 3965) of Paul R. Heroux and others relative to renewal of firearm identification cards;

Petition (accompanied by bill, House, No. 3966) of Paul R. Heroux and others relative to licenses to carry firearms; and

Petition (accompanied by bill, House, No. 3967) of Paul R. Heroux and others for legislation to extend the processing time for the issuance of firearm identification cards and licenses to carry firearms;

Severally, under suspension of Joint Rule 12, to the committee on Public Safety and Homeland Security.

Petition (accompanied by bill, House, No. 3968) of Mark J. Cusack and Barry R. Finegold relative to clean energy resources;

Under suspension of Joint Rule 12, to the committee on Telecommunications, Utilities and Energy.

Engrossed Bills.

The following engrossed bills (the first of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr.

Rosenberg) and laid before the Governor for his approbation, to wit:

Ensuring the safety of people with pets in disasters (see Senate, No. 1172, amended);

Establishing a parks and fields capital enhancements special revenue fund in the city of Marlborough (see House, No. 3862); and

Making appropriations for the fiscal year 2014 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 3947).

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to grant easements over certain parcels of land to the town of Amherst (see Senate, No. 1531, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 2 to 0.

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

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

enacted in that branch.

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

A Bill relative to the charter of the town of Dedham (House, No. 3955,-- on House, No. 3929) [Local approval received on House, No. 3929],-- **was read.**

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

Pending the question on ordering the bill to a third reading, Mr. Rush presented an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2048.

The amendment was adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Recess.

There being no objection, at twenty-one minutes before twelve o'clock noon, the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at ten minutes before five o'clock P.M., the Senate reassembled, Mr. Michael O. Moore in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill relative to the charter of the town of Dedham (see House, No. 3955, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Mr. Michael Moore) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and laid before the Governor for his approbation.

Time of Meeting.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday next at one o'clock P.M., in a full formal session with a calendar.

On motion of the same Senator, at eight minutes before five o'clock P.M., the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.