

**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.

*Tuesday, March 26, 2013.*

Met at two minutes past eleven o'clock A.M (Mr. Petrucci in the Chair).

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

#### *Communication.*

A communication from the Executive Office for Administration and Finance (pursuant to Section 3B of Chapter 7 of the General Laws) giving notice of its intention to amend 801 CMR 4.02(105): Fees for Licenses, Permits, and Services to be Charged by State Agencies (received Friday, March 22, 2008),— **was placed on file.**

#### *Resolutions.*

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

Resolutions (filed by Mr. Hedlund) "congratulating Gregory P. Berube on his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Hedlund) "congratulating Carter Anthony Kupchella on his elevation to the rank of Eagle Scout"; and

Resolutions (filed by Mr. Ross and Ms. Creem) "congratulating Daniel Farrohi on his elevation to the rank of Eagle Scout."

#### *Reports of a Committee.*

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Celia Gentile, an employee of the Department of Correction (Senate, No. 1753),-- **ought to pass.**

**There being no objection, the rules were suspended, on motion of Mr. Downing, 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.**

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill prohibiting the sale, installation and disposal of mercury thermostats (Senate, No. 388),-- **ought to pass, with an amendment substituting a new draft entitled "An Act further regulating mercury management" (Senate, No. 1758).**

#### *Order Adopted.*

Mr. Brewer offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill to prohibit the sale, installation and disposal of mercury thermostats (Senate, No. 388) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft entitled "An Act further regulating mercury management" (Senate, No. 1758)) shall be placed in the Orders of the Day for a second reading on Thursday, March 28, 2013.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 2:00 P.M., on Wednesday, March 27, 2013. All such amendments shall be second-reading amendments to the recommended Senate Ways and Means new draft (Senate, No. 1758) but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

**Under the rules, referred to the committee on Ethics and Rules.**

**Subsequently, Mr. Rosenberg, for the said committee, reported, recommending that the order ought to be adopted.**

**The rules were suspended, on motion of Mr. Downing, and the order was considered forthwith and adopted.**

**The bill was then placed in the Orders of the Day for a second reading, with the Ways and Means amendment pending, for Thursday, March 28, 2013.**

*Order Adopted.*

On motion of Mr. Tarr,--

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

*Moment of Silence.*

At the request of the Chair (Mr. Petrucci), the members, guests and staff stood in a moment of silence and reflection to the memory of Lance Corporal Roger W. Muchnick, Jr.

*Adjourn In Memory of Lance Corporal Roger W. Muchnick, Jr.*

The Senator from Berkshire, Franklin and Hampshire, Mr. Downing, moved that when the Senate adjourns today, it adjourn in memory of Lance Corporal Roger W. Muchnick, Jr.

Lance Corporal Muchnick passed away unexpectedly on Monday, March 18, 2013, one of eight members of the 2nd Marine Expeditionary Force accidentally killed during a training exercise at the Hawthorne Army Depot in Nevada.

A resident of Connecticut, Lance Corporal Muchnick spent much time at Coakley Farm in Lenox, the home of his maternal grandparents, Bob and Mary Ann Coakley. He loved spending time in the Berkshires and enjoyed the outdoors, especially the horses on the farm and fishing.

It was expected that Lance Corporal Muchnick would be deployed to Afghanistan this Fall, at the conclusion of his winter survival tactical training in the mountains of Northern California and advanced artillery training in the Nevada desert.

Previously, as a part of Operation Enduring Freedom, Lance Corporal Muchnick bravely served his country during a seven-month deployment to Afghanistan. His unit was later deployed to Kuwait.

Lance Corporal Muchnick was a 2008 graduate of Staples High School in Westport, Connecticut, where he was known for his contributions to the lacrosse and football teams. He spent a year at Eastern Connecticut State University and another year working at a ranch in Jackson Hole, Wyoming before enlisting in the Marines. Following his discharge, which was slated for 2014, Lance Corporal Muchnick was looking forward to returning to college and earning his degree.

Accordingly, as a mark of respect in memory of Lance Corporal Roger W. Muchnick, Jr., at eight minutes past eleven o'clock A.M., on motion of Mr. Downing, the Senate adjourned to meet again on Thursday next at two o'clock P.M.