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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, April 10, 2014.

Met according to adjournment at one o'clock P.M. (Mr. Richard T. Moore in the Chair).

Distinguished Guests.

There being no objection, the President handed the gavel to Ms. Donoghue for the purpose of an introduction. Ms. Donoghue then introduced, in the rear of the Chamber, a group of students from the Paul Sullivan Leadership Institute. The role of the Institute, which was established seven years ago, is to expand the skill set of those already on their way to being leaders, and to identify those who are unaware that they can be leaders, and assist them in the process. Students are given a bird's eye view of the career path they are seeking, placing them face to face with leaders in business, politics, media and other professions. The students were welcomed with applause and they withdrew from the Chamber.

There being no objection, the President handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr and Ms. Donoghue then introduced, in the rear of the Chamber, a group of dignitaries from Cambodia. Among the delegation were His Excellency Khim, Sarith, Cambodia's Secretary of State for the Ministry of Culture and Fine Arts; His Excellency Hei, Virak, the Under Secretary of State for the Ministry of Culture and Fine Arts; His Excellency Chorn, Sopheap, the Under Secretary of State for the Ministry of Economics and Finance; and Dr. Hang, Rithyavuth, Vice Dean of the Faculty of Music at the Royal University of Fine Arts and the Owner of the Mozart Music Center in Phnom Penh. The delegation was accompanied by Mr. Chanthha Khem, the President of the Khmer Cultural Council in Lowell; Mr. Sam S. Meas, who serves as the Khmer Cultural Council's Secretary and member of the board; and Serey Khan Yan, Board member of the Buddhist Temple at Pomonaram Temple in Pomona, CA. The Senate welcomed them with applause, His Excellency Khim, Sarith signed the guest book, and they withdrew from the Chamber.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced, in the rear of the Chamber, Wayne Sargent, a 30 year police veteran from Gloucester. Mr. Sargent was recognized for having survived a gas explosion while in his home in 2008. He was attending the Senate Session to listen to debate on the gas leaks legislation. He briefly addressed the Senate from the rear of the Chamber and was welcomed with applause.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Hedlund for the purpose of an introduction. Mr. Hedlund then introduced, in the rear of the Chamber, a group of students participating in Students Against Drunk Driving Lobby Day. These students have taken the lead amongst their peers to educate and bring awareness to the issues of substance and alcohol abuse. Among the group were Sarah Calnan and Grace Doyle, two students from Hingham who were recognized for being on the 7 member Students Against Drunk Driving Advisory Board. The Senate applauded their accomplishments and they withdrew from the Chamber.

Communication.

Communication from the Department of Public Health (under the provisions of Section 25C of Chapter 111 of the General Laws) submitting notice of a proposed repeal of a fee contained in 801 CMR 4.02 (received April 7, 2014),-- **was placed on file.**

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Downing, a petition (accompanied by bill, Senate, No. 2089) of Benjamin B. Downing and Gailanne M. Cariddi (with the approval of the mayor and city council) for legislation relative to the financial condition of the city of North Adams [Local approval received];

**Under Senate Rule 20, to the committee on Municipalities and Regional Government.
Sent to the House for concurrence.**

By Mr. DiDomenico (by request), a petition (subject to Joint Rule 12) of Anthony Pini for legislation relative to transparency to memberships to boards of trade, chambers of commerce and like bodies;

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

Reports of Committees.

By Mr. Barrett, for the committee on Children, Families and Persons with Disabilities, on petition (accompanied by bill, Senate, No. 1911), a Bill to establish a commission on the status of children and youth (Senate, No. 2080);

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

By Mr. Keenan, for the committee on Public Health, on Senate Nos. 1017, 1101 and 1102, a Bill relative to the closing of hospital essential services (Senate, No. 2074);

By the same Senator, for the same committee, on Senate No. 1048 and House No. 1974, a Bill relative to acute-care hospitals (Senate, No. 2075); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1064), a Bill relative to home health and hospice aides (Senate, No. 2076);

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

By Mr. Joyce, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate Bill to enable the Department of Environmental Management to lease real property (Senate, No. 1966),--ought to pass; and

By the same Senator, for the same committee, that the Senate Bill to ensure access to the Hampden County courts in the city of Springfield (Senate, No. 2032),-- ought to pass;

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

By Mr. Barrett, for the committee on Children, Families and Persons with Disabilities, on petition (accompanied by bill, Senate, No. 52), a Bill to promote restorative justice practices (Senate, No. 2078);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 60), a Bill coordinating services for at-risk youth (Senate, No. 2079);

By Mr. Kennedy, for the committee on Consumer Protection and Professional Licensure, on petition (accompanied by bill, Senate, No. 118), a Bill relative to residential construction contracts (Senate, No. 2084);

By Mr. Petrucci, for the committee on Financial Services, on petition (accompanied by bill, Senate, No. 486), a Bill relative to certificates of insurance (Senate, No. 2077);

By Mr. Downing, for the committee on Telecommunications, Utilities and Energy, on petition (accompanied by bill, Senate, No. 1565), a Bill requiring the timely adoption of greenhouse gas emission limits for the year 2030 (Senate, No. 2085) (Representative Hunt of Sandwich dissenting); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1589), a Bill relative to water meter testing fees (Senate, No. 2086);

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

PAPERS FROM THE HOUSE.

A Bill relative to the Essex North Shore Agricultural and Technical school district (House, No. 3959,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

A Bill authorizing the town of Dartmouth to establish an enterprise fund (House, No. 3623,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Notice was received from the House of Representatives that the Minority Leader announced that, under the provisions of Section 216 of Chapter 6 of the General Laws (as inserted by Section 3 of Chapter 48 of the Acts of 2014), he had appointed Representative Vieira of Falmouth to serve as his designee to the Military Asset and Security Strategy Task Force.

There being no objection, at one minute past one o'clock P.M., the Chair (Mr. Richard T. Moore) declared a recess subject to the call of the Chair; and, at three minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.

The President, members, guests and staff then recited the pledge of allegiance to the flag.

Resolutions.

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

Resolutions (filed by Ms. Lovely) “congratulating Nicholas Michael Humerian on his elevation to the rank of Eagle Scout”;
Resolutions (filed by Mr. Richard T. Moore) “congratulating Officer Leonard Gosselin, Jr. on being named the 2014 School Resource Officer of the Year”; and
Resolutions (filed by Ms. Spilka and Mr. Ross) “honoring the memory of the Gay brothers in the dedication of the Gay Brothers Square in the Town of Natick.”

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

April 10, 2014

Mr. William F. Welch
Clerk of the Massachusetts Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk,

On Thursday, April 3, 2014, I was unable to attend Formal Session due to a conflict with the funeral of Firefighter Michael R. Kennedy who passed away tragically in the line of duty.

Therefore, I was not present for the roll call vote on Senate Bill No. 1889 directing the Division of Capital Asset Management and Maintenance to transfer certain parcels of land in the town of Medfield. Had I been present, I would have voted in the affirmative.

I would appreciate your assistance with the printing of this communication in the Senate Journal.

With every good wish,
JAMES E. TIMILTY,
Bristol and Norfolk.

On motion of Mr. Tarr, the above communication was ordered printed in the Journal of the Senate.

PAPER FROM THE HOUSE
Committee of Conference Report.

A report, in part, of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendments to 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 by the Senate by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2011) recommending a “Bill relative to unemployment insurance rates”(House, No. 4036), -- came from the House, and was read.

The rules were suspended, on motion of Mr. Brownsberger, the report was accepted, in concurrence.

The House Bill relative to a Massachusetts Boston Strong license plate (House, No. 3664, amended),-- came from the House with the endorsement that the House had concurred in the Senate amendments with a further amendment by inserting before the enacting clause the following emergency preamble:

“*Whereas*, the deferred operation of this act would tend to defeat its purpose, which is to establish forthwith funding and memorial efforts for the victims of the tragic events that occurred at the Boston Marathon on April 15, 2013, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

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

Emergency Preambles Adopted.

An engrossed Bill designating a certain bridge in the town of Andover as the Andover Veterans of the Iraq and Afghanistan Wars Memorial Bridge (see Senate, No. 1967), 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 17 to 0.

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

An engrossed Bill authorizing the granting of easements at Northern Essex Community College in the city of Haverhill (see House, No. 3905, 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 12 to 0.**

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

An engrossed Bill reviving and continuing the task force on the prevention of unlawful and unnecessary foreclosures (see House, No. 3969), 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 16 to 0.**

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

Engrossed Bill.

An engrossed Bill authorizing the town of Webster to issue five additional all alcoholic beverages to be drunk on the premises designated for use in the downtown's "Slum and Blight" Main Street Area (see Senate, No. 1990) (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.

Engrossed Bill—Land Taking for Conservation Etc.

An engrossed Bill authorizing the conveyance of certain state land in the town of Sharon (see House, No. 2831, changed) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at ten minutes past two o'clock P.M., as follows, to wit (*yeas 38 - nays 0*) [**Yeas and Nays No. 283**]:

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 thirteen minutes past two o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

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

Petition (accompanied by bill, House, No. 4040) of Joseph F. Wagner and others relative to taking or transmitting images of crime victims by first responders;

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

Petition (accompanied by bill, House, No. 4041) of Todd M. Smola and Stephen M. Brewer for legislation to establish a sick leave bank for Marcy L. Bray, an employee of the Department of Developmental Services;

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

Reports of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Michael J. Donoghue, an employee of the Norfolk County Sheriff's Office (Senate, No. 2067),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. DiDomenico, 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 establishing a sick leave bank for Michael J. Donoghue, an employee of the Norfolk Sheriff's Office".

Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill relative to establishing a sick leave bank for Carmen Mahone, an employee of the Trial Court (House, No. 3981),-- ought to pass, with an amendment, by inserting after the word "employee", in line 2, the following words:- "of the Dedham district court in the department".

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

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.

By Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, that the Senate Order relative to granting the committee on Public Health until May 20, 2014, within which time to make its final report on current Senate

document numbered 1031 (Senate, No. 2058),-- **ought to be adopted.**

There being no objection, the rules were suspended, on motion of Mr. Keenan, and the ordered was considered forthwith, and after remarks, was adopted.
Sent to the House for concurrence.

By Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, that the Senate Order relative to granting the committee on Public Health until May 20, 2014, within which time to make its final report on current Senate document numbered 1079 (Senate, No. 2059),-- **ought to be adopted.**

There being no objection, the rules were suspended, on motion of Mr. Keenan, and the ordered was considered forthwith, and adopted.
Sent to the House for concurrence.

By Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, that the Senate Order relative to granting the committee on Public Safety and Homeland Security be granted until May 15, 2014, within which time to make its final report on current Senate documents numbered 1115, 1116, 1120, 1126, 1128, 1131, 1132, 1140, 1143, 1156, 1157, 1159, 1160, 1161, 1162, 1163, 1178, and 1198 (Senate, No. 2056),-- **ought to be adopted.**

There being no objection, the rules were suspended, on motion of Mr. Timilty, and the ordered was considered forthwith, and after remarks, was adopted.
Sent to the House for concurrence.

By Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, that the Senate Order relative to granting the committee on Veterans and Federal Affairs until May 1, 2014, within which time to make its final report on current Senate documents numbered 1692 and 1749 (Senate, No. 2057),-- **ought to be adopted.**

There being no objection, the rules were suspended, on motion of Mr. Rush, and the ordered was considered forthwith, and after remarks, was adopted.
Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Order Adopted.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith and adopted in concurrence, as follows:

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Public Service shall be granted until Monday, June 30, 2014, within which to report on current Senate documents numbered 223 and 1225 and House documents numbered 14, 24, 59, 477, 2279, 2344, 2345, 2346, 2347, 2348, 2370, 2389, 2421, 3432, 3517, 3552 and 3853

The rules were suspended, on motion of Mr. Brownsberger and the order was considered forthwith; and, after remarks, was adopted, in concurrence.

The Senate Bill relative to enhancing protection for victims of domestic violence (Senate, No. 1897, amended),-- came from the House passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4038; by inserting before the enacting clause the following emergency preamble: "Whereas, the deferred operation of this act would tend to defeat its purpose which is to establish forthwith certain provisions against domestic violence, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety."; and by striking out the title and inserting in place thereof the following title: "An Act relative to domestic violence."

Mr. Brewer moved that the Senate NON-concur in the House amendments and ask for a committee of conference on the disagreeing votes of the two branches.

Senators Spilka, Creem and Ross were appointed to the committee on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered, as follows: The House Bill authorizing the establishment of the Mashpee Water and Sewer District (House, No. 3767),-- was read a third time and passed to be engrossed, in concurrence.

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Relative to the disability retirement of Woburn police officer Robert DeNapoli (Senate, No. 2042);

Relative to the filing deadline for residential exemptions, personal exemptions and tax deferrals in the city of Boston (House, No.

2603);

Relative to the powers of the Boston Fair Housing Commission (House, No. 3625);

Relative to the Nantucket Memorial Airport Fuel Revolving Account (House, No. 3626);

Exempting Martin B. Parayno from the maximum age requirement for firefighters in the city of Methuen (House, No. 3637, amended); and

Authorizing the County and Town of Nantucket to convey a certain parcel of land (House, No. 3801, changed);

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

The House Bill relative to natural gas leaks (House, No. 3873, amended),-- was considered, the main question being on ordering the bill to a third reading.

After remarks, and pending the question on ordering the bill to a third reading, the pending amendment, previously recommended by the committee on Ways and Means, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2073,-- was considered.

Mr. Tarr moved that the proposed new text be amended in section 2, by inserting after the word "information", in line 55, the following words: - "may be made available by the department to interested persons upon written request, provided the department shall respond to all reasonable requests; provided, however, that gas leak information".

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

Messrs. Ross and Montigny moved that the proposed new text be amended by striking out subsection (e) of section 2 and inserting in place thereof the following paragraph:-

"(e) As part of the annual service quality standards report required by section 11, each gas company shall report to the department the following information for each Grade 1, Grade 2 and Grade 3 leak: (1) date discovered, time reported, time dispatched, time investigated, and by whom, and date classified; (2) date repaired, time repaired, and by whom; (3) date(s) rechecked after repair and by whom; (4) if a Grade 1 leak, date and time of notification to fire department and chief law enforcement officer in each city or town where the Grade 1 leak was identified; (5) location of leak; (6) leak grade; (7) line use; (8) method of leak detection; (9) part of system where leak occurred; (10) part of system which leaked; (11) material which leaked; (12) origin of leak; (13) pipe description; (14) type of repair performed; (15) cause of leak; (16) date of pipe installation; (17) whether cathodic protection is employed; and (18) the magnitude of combustible gas indicator. A gas company shall specify any reclassification of previously identified leaks in its annual report. Gas leak information shall be provided electronically to all municipal and state public safety officials and shall be made available on the company's website."

After remarks, the amendment was *rejected*.

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

"SECTION ____ . Section 1 of chapter 142 of the General Laws, as appearing in the 2012 official edition, is hereby amended by striking out lines 18-25 and replacing with the following:-

'Gas fitting', any work which includes the installation, alteration, and replacement of a piping system beyond the gas meter outlet or regulator through which is conveyed or intended to be conveyed radon gas or fuel gas of any kind, including methane gas, for power, refrigeration, heating or illuminating purposes including the connection therewith and testing of gas fixtures, ranges, refrigerators, stoves, water heaters, house heating boilers, and any other gas using appliances, and the maintenance in good and safe condition of said systems, and the making of necessary repairs and changes."

The amendment was *rejected*.

Mr. Ross moved that the proposed new text be amended in section 2, by inserting after the word "repair", in line 17, the following words:- "as immediately as possible".

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

Ms. Candaras moved that the proposed new text be amended by striking out, in line 123, the word "allows" and inserting in place thereof the following word:- "requires".

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

Mr. Eldridge moved to amend the proposed new text in section 2, in subsection (d) of proposed section 144 of chapter 164 of the General Laws, by adding the following sentence:- "The department of public utilities shall develop a priority list for pipeline repairs, which may include, but need not be limited to, houses of worship, healthcare facilities, public or elder housing complexes, councils on aging, correctional facilities, rail or subway stations, courthouses and government office buildings."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at two minutes past three o'clock P.M., on motion of Mr. Eldridge, as follows, to wit (*yeas 38 – nays 0*) [**Yeas and Nays No. 284**]:

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 five minutes past three o'clock P.M., the amendment was **adopted**.

Mr. Eldridge, Ms. Creem and Mr. DiDomenico moved that the proposed new text be amended in section 2, by striking out, in line 24, the words “repair or clear Grade 2 leaks” and inserting in place thereof the following words:- “repair Grade 2 leaks or replace the main”.

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

Mr. Eldridge and Ms. Creem moved that the proposed new text be amended in section 2, by inserting after the word “replaced”, in line 31, the following words:- “; provided, however, that Grade 3 leaks shall be repaired or replaced during significant projects

on public ways exposing confirmed natural gas infrastructure, under subsection (c)”; and in said section 2, in proposed section 144 of chapter 164 of the General Laws, by striking out subsection (c) and inserting in place thereof the following subsection:-
“(c) Upon the undertaking of a significant project on a public way exposing confirmed natural gas infrastructure, a municipality or the commonwealth shall submit written notification of the project to a gas company. The gas company shall survey the project area for the presence of gas leaks and set repair and replacement schedules for all known or newly detected leaks. The gas company shall ensure that any shut off valve in the significant project area has a gate box installed upon it or a reasonable alternative that would otherwise ensure continued public safety, and that any critical valve that has not been inspected and tested within the past twelve months is verified to be operational and accessible. The gas company shall provide the repair and replacement schedule of gas leaks to the municipality or the commonwealth.”.
After remarks, the amendment was **adopted**.

Ms. Creem and Mr. Keenan moves that the proposed new text be amended by inserting in Section 2, the following new subsection:-

“SECTION X. Chapter 164 of the General Laws is hereby amended by adding the following new section:-

Section 146. (a) Any suspected damage to a tree due to a natural gas leak should be reported to the gas company for mandatory inspection by a qualified arborist.

(b) If a qualified arborist determines that a tree is damaged or killed by a natural gas leak, the gas company shall repair or replace the pipeline where the leak is present no later than one year from the date the leak was detected or before a tree is replaced.

(c) If a qualified arborist determines that a tree is damaged or killed by a natural gas leak, the gas company shall provide the entity which owns the tree with the funds to replace the compromised tree.

(d) The department shall promulgate rules and regulations to implement this section.”

The amendment was *rejected*.

Mr. Rush moved that the proposed new text be amended by adding the following section:-

“SECTION XX. Notwithstanding any general or special law to the contrary there shall be no use of any explosive material as defined in Massachusetts 527 CMR 13.03 to fire a blast in any blasting operation within five hundred feet of a natural gas pipeline or metering and regulation station without written approval by the Department of Public Utilities.”

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

Mr. Tarr moved that the proposed new text be amended in section 3, by inserting after the word “costs”, in line 157, the following words:- “and shall exempt low-income customers eligible for the federal Low Income Home Energy Assistance Program from any new surcharge imposed under subsection (a)”.

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

Ms. Candaras moved that the proposed new text be amended in line 112, by inserting after the word “plan” the following word:- “, which provides a public safety benefit,”.

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

Messrs. Rosenberg and Montigny moved that the proposed new text be amended by inserting after section 7 the following section:-

“SECTION 7A. The department of public utilities shall issue a report addressing the prevalence of gas leaks in the natural gas system. The report shall include, but not be limited to: (i) the total number of Grade 1, Grade 2 and Grade 3 leaks reported in the previous year; (ii) estimates for lost and unaccounted for natural gas as a result of Grade 1, Grade 2 and Grade 3 leaks; and (iii) time and cost estimates for eliminating the backlog of Grade 1, Grade 2 and Grade 3 leaks. The department shall issue the first report not later than 1 year after the effective date of this act. The second and all subsequent reports shall be filed annually thereafter until the department determines that the backlog has been sufficiently addressed and the natural gas pipeline is in a state of good repair. The final annual report issued by the department pursuant to this section shall detail the total cost of eliminating the backlog and the annual estimated cost to maintain a state of good repair. The second report and all subsequent reports shall be filed with the house and senate chairs of the joint committee on telecommunications, utilities and energy and the house and senate chairs of the joint committee on public safety and homeland security not later than December 31 of each year.”
Pending the question on adoption of the amendment, Ms. Creem moved to amend the pending amendment (Rosenberg) by inserting in clause (ii) after the word “gas” the following words:- “and methane emissions”.

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

The pending amendment (Rosenberg), as amended (Creem), was then **adopted**.

Messrs. Welch and Donnelly and Ms. Candaras moved that the proposed new text be amended in section 2, in proposed subsection (c) of proposed section 145 of chapter 164 of the General Laws, by adding the following paragraph:-

“Upon filing a plan under this section, a gas company shall include a timeline for removing all leak-prone infrastructure on an accelerated basis specifying an annual replacement pace and program end date with a target end date of not more than 20 years, as adjusted by the allowable recovery under the cap established in subsection (f); provided, however, that the department may approve a plan with a target end date of more than 20 years, as adjusted by the allowable recovery under the cap established in subsection (f), if the target end date of more than 20 years is in the best interest of the ratepayer as determined by the department. After filing the initial plan, a gas company shall, at 5-year intervals, provide the department with a summary of its replacement

progress to date, a summary of work to be completed during the next 5 years, and any similar information the department may require.”

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

Mr. Tarr moved that the proposed new text be amended by inserting in line 178 after the word “vaults” the following sentence:- “The secretary of a designee shall hold a public hearing prior to the issuance of said report, notice of which shall be sent to interested stakeholders, who shall be provided with an opportunity to testify and submit written comments.”

The amendment was *rejected*.

Recess.

There being no objection, at twenty-six minutes before four o’clock P.M., the President declared a recess, subject to the call of the Chair; and, at six minutes before four o’clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

The Orders of the Day were further considered, as follows:

The House Bill relative to natural gas leaks (House, No. 3873, amended),-- **was considered, the main question being on ordering the bill to a third reading.**

Mr. Eldridge, Ms. Creem, Messrs. DiDomenico, Wolf, Donnelly and Pacheco and Ms. Jehlen move that the proposed new text be amended by inserting in section 3, in line 128 after the word “customers” the following words:- “provided that the department of public utilities determines these programs are consistent with environmental and public health policies of the commonwealth, including the Global Warming Solutions Act of 2008.”; and by further inserting in said section, in line 140, after the word “approval” the following words:- “the department’s review shall include a full analysis of the greenhouse gas emissions impacts of proposed expansion, including an accounting of life cycle fugitive emissions.”

After debate, Mr. Pacheco moved that under the provisions of Senate Rule 31, the amendments be printed in the Senate Calendar.

After not receiving a second to this motion, the motion was laid aside.

After further debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at eighteen minutes past four o’clock P.M., on motion of Mr. Eldridge, as follows, to wit (*yeas 6 – nays 32*) [**Yeas and Nays No. 285**]:

YEAS.

Chang-Diaz, Sonia	Jehlen, Patricia D.
DiDomenico, Sal N.	Joyce, Brian A.
Eldridge, James B.	Pacheco, Marc R. – 6.

NAYS.

Barrett, Michael J.	Lovely, Joan B.
Brewer, Stephen M.	McGee, Thomas M.
Brownsberger, William N.	Montigny, Mark C.
Candaras, Gale D.	Moore, Michael O.
Chandler, Harriette L.	Moore, Richard T.
Creem, Cynthia Stone	O'Connor Ives, Kathleen

Donnelly, Kenneth J.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin 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.
Keenan, John F.	Welch, James T.
Kennedy, Thomas P.	Wolf, Daniel A. — 32.

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

Mr. Brewer moved that the proposed new text be amended in section 2, by striking out, in line 14, the word "access" and inserting in place thereof the following word:- "assess";
 In said section 2, by striking out, in lines 23 and 24, the words "Grade 2 leaks The gas company shall be" and inserting in place thereof the following words:- "The gas company shall"; and
 In said section 2, by inserting after the word "request", in line 56, the following words:- "to the department".
 The amendment was **adopted**.

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

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

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at twenty-six minutes past four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 39 — nays 0*) [**Yeas and Nays No. 286**]:

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 twenty-eight minutes past four o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment [For text of Senate amendment, printed as amended, see Senate, No. 2095].

Sent to the House for concurrence in the amendment.

Order Adopted.

On motion of Mr. Downing,--

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.

Moment of Silence.

At the request of the President, the members, guests and staff stood in a moment of silence and reflection to the memory of Plymouth Police Officer Gregory T. Maloney.

Adjourn In Memory of Gregory T. Maloney

The Senator from Plymouth and Barnstable, Ms. Murray, moved that when the Senate adjourns today, it do so in memory of Plymouth Police Officer Gregory T. Maloney.

Gregory T. Maloney, a Plymouth police officer, died unexpectedly on Tuesday, April 1, 2014 as a result of a motorcycle accident while on active duty. He was the beloved husband of Susan J. Maloney of Plymouth. Born in Chicago, Illinois, on November 4, 1969, he was a son of Robert Maloney of Plymouth and the late Vilma Maloney. He was educated in Plymouth, a graduate of Plymouth-Carver High School, Class of 1987 and received his Bachelor's degree as well as his Master's Degree in Criminal Justice from Western New England College. He joined the Plymouth Police Department in 1997, where he proudly served the community for 17 years. Gregg was an avid car enthusiast. He was a member of the Plymouth Police Relief Association.

Besides leaving his wife Susan, he was the loving father of Gregory Todd Maloney, Jr. and Michael Christopher Maloney both of Plymouth.

Accordingly, as a mark of respect in memory of Gregory T. Maloney, at a half past four o'clock PM, on motion of Mr. Brewer, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.