

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, May 2, 2013.

Met at three minutes past 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. Clark for the purpose of an introduction. Ms. Clark then introduced, in the rear of the Chamber, the Melrose High School Girls Volleyball Team. The team was recognized for winning the Division 2 State Championship title. The team was accompanied by Head Coach Scott Celli, Assistant Coach Steven Wall, Athletic Director Pat Ruggiero and Melrose High School Principal Marianne Farrell. The Senate applauded their accomplishments and they withdrew from the Chamber.

There being no objection, the President handed the gavel to Mr. Joyce for the purpose of an introduction. Mr. Joyce then introduced, in the rear of the Chamber, members of the Milton Council of Aging. They were accompanied by the COA Director, Mary Anne Sullivan and the Senator's father, Gerry Joyce. The Senate applauded their accomplishments and they withdrew from the Chamber.

There being no objection, the President handed the gavel to Ms. Donoghue for the purpose of an introduction. Ms. Donoghue then introduced members of the University of Massachusetts Lowell River Hawks Men's Ice Hockey Team. The team was recognized for winning the Hockey East regular season and playoff championships, the NCAA Northeast Regional Championship and their first trip to the Frozen Four, as one of the four best teams in U.S. college hockey. The Senate applauded their accomplishments and they withdrew from the Chamber.

Petition.

Mr. Richard T. Moore presented a petition (subject to Joint Rule 12) of Richard T. Moore and Kevin J. Kuros for legislation to establish a sick leave bank for Dawn Mukulski, an employee of the Department of Correction;
Referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Report of a Committee.

By Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, that the Senate Bill further clarifying the preservation of the Blackstone River and Canal (Senate, No. 382),-- **ought to pass;**
Referred, under Senate Rule 27, to the committee on Ways and Means.

Placed on File.

Mr. Kennedy, for the committee on Consumer Protection and Professional Licensure, on the Communication from the Massachusetts Gaming Commission (under the provisions of Section 9B of Chapter 128A of the General Laws) submitting proposed changes to 205 CMR 3.00 and 4.00 relative to harness horse racing and running horse racing (printed in Senate, No. 1761),-- **reports that the regulations and conditions are consistent with the statutory provisions under which they were**

**promulgated and further recommends that the same be placed on file.
Under Senate Rule 36, the report was considered forthwith and was accepted.
Sent to the House for concurrence.**

Committees Discharged.

Mr. Pacheco, for the committee on Environment, Natural Resources and Agriculture reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 401) of Karen E. Spilka, Kathi-Anne Reinstein, Thomas M. Stanley, Denise Provost and other members of the General Court for legislation to protect animals during pet sales; and

Of the petition (accompanied by bill, Senate, No. 402) of Bruce E. Tarr and Leonard Mirra (by vote of the town) for legislation to authorize the relocation, replacement, reconstruction and maintenance of a piling supported building in the town of Newbury;
And recommending that the same severally be referred to the committee on Municipalities and Regional Government;

Of the petition (accompanied by bill, Senate, No. 351) of Cynthia S. Creem, Carolyn C. Dykema and Tom Sannicandro for legislation to protect children and families from harmful flame retardants,-- and recommending that the same be referred to the committee on Public Health; and

Ms. Clark, for the committee on the Judiciary reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 834) of James E. Timilty for legislation relative to critical incident intervention by emergency service providers--**and recommending that the same be referred to the committee on Public Safety and Homeland Security;**

**Severally, under Senate Rule 36, the reports were considered forthwith and accepted.
Severally sent to the House for concurrence.**

There being no objection, at four 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 twenty-four minutes past one 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. Flanagan) "congratulating Gold Star Mother Helen Hill on the occasion of her ninetieth birthday";

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

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

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

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

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

Resolutions (filed by Mr. Richard T. Moore) "congratulating the Evergreen Center in the town of Milford on the thirtieth anniversary of its founding."

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for John Gustavis, an employee of the Hampshire Sheriff's Office (see House, No. 3417), 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 9 to 0.
The bill was signed by the President and sent to the House for enactment.**

Order Adopted.

Mr. Brewer offered the following order:

Ordered, That pursuant to the provisions of Senate Rule 27A, all amendments to the general appropriations bill as reported by the Committee on Ways and Means shall be filed electronically in the office of the Clerk of the Senate by 3:00 P.M. on Friday, May

17, 2013; and be it further ordered that, pursuant to the provisions of Senate Rule 38B, the general appropriations bill as reported by the Committee on Ways and Means shall be placed in the Orders of the Day for Wednesday, May 22, 2013, for its second reading, as the only item on the calendar.

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. Tarr, and, after remarks, the order was considered forthwith and adopted.

PAPERS FROM THE HOUSE

A petition (accompanied by bill, House, No. 3447) of Edward F. Coppinger and Michael F. Rush for legislation to establish a sick leave bank Thomas Mulvey, an employee of the Department of Housing and Community Development,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for John Gustavis, an employee of the Hampshire Sheriff's Office (see House, No. 3417) (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.

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill Establishing a sick leave bank for Elaine Provencher, an employee of the Department of Public Health (House, No. 3384),-- **ought to pass.**

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

PAPER FROM THE HOUSE.

A Bill financing improvements to the Commonwealth's transportation system (House, No. 3379, amended,-- on House, No. 3327, in part),-- **was read.**

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

Order Adopted.

On motion of Mr. Tarr,--

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 Ann Marie Marino

Adjourn In Memory of Ann Marie Marino

The Senator from Essex, Ms. Lovely, moved that when the Senate adjourns today, it adjourn in memory of Ann Marie Marino.

Ann Marie Marino was a dedicated public servant who worked for many years in the office of former Senate Majority Leader Fred Berry. After Senator Berry's retirement Ann Marie continued her work in the Senate in the office of Senator Joan Lovely.

Born in Salem, Ann Marie graduated from Salem High School in 1978. After graduation, Ann Marie worked on the North Shore for Eastman Gelatin in Peabody, as well as the Salem Housing Authority. With an approachable demeanor, contagious laugh and innate ability to help others, Ann Marie was the perfect fit for the office of Senator Berry. For over two decades, she served as his executive secretary and, in January of 2013, following the retirement of Senator Berry, Ann Marie brought her wealth of experience to the office of newly-elected Senator Joan Lovely. Whether helping a struggling constituent find housing or organizing a tour for an elementary school group, Ann Marie's compassion and grace were always on display. Her years of service in the Senate have benefited the people of North Shore in immeasurable ways, and her memory will live on through those acts of kindness.

Undoubtedly Ann Marie's greatest love was her daughter, Jacqueline Marino. She delighted in attending Jacqueline's softball and basketball games and vacationing and shopping with her in New Hampshire and Maine. Ann Marie was also blessed with the love of a large, extended family.

As we honor the passing of Ann Marie, we remember the great joy and comfort that she brought to so many in this world. It is at this time that Senator Lovely moves that the Massachusetts Senate adjourns in honor of Ann Marie's accomplished life as both a public servant and loving mother.

Accordingly, as a mark of respect in memory of Ann Marie Marino, at two o'clock P.M., on motion of Ms. Lovely, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.