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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, May 8, 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 Mr. Barrett for the purpose of an introduction. Mr. Barrett then introduced, in the rear of the Chamber, Mary Anne Durkee and her daughter Kelly Durkee-Erwin of Waltham. They were being recognized for their amazing support of the Massachusetts National Guard. Mary Anne and Kelly assist a multitude of families in times of stress and separation by hosting various meetings and events, send-off ceremonies and welcome-home celebrations. They have each received a bronze presidential award for volunteerism along with a letter from President Obama, and recently won the 2013 Massachusetts Army National Guard Family Support Persons of the year Award. Mary Anne and Kelly have also been nominated to represent Massachusetts for the National Guard Bureau Family of the Year Award. The Senate applauded their accomplishments and they withdrew from the Chamber. They were accompanied by Everett Erwin Jr, and Sean Durkee who was recently promoted to Chief Warrant Officer 2 MA Army National Guard.

There being no objection, the President introduced Ms. Tara Caul, the Head of the Legal Services Office for the Northern Ireland Assembly. Ms. Caul qualified as a solicitor in 1993. She worked in private practice law with Macaulay Wray solicitors until 1998, specializing in child and family law. In September of 1998 she joined the newly established children's law center in Belfast where she worked for 11 years. She stabled the Centre's legal unit and as head of the legal unit was responsible for the overall development of the legal advice, information and representation service at the Center. In June of 2009, she joined the Northern Ireland Assembly where she works as head of the legal services office. She manages the legal services team providing legal advice to the speaker, the assembly committees, the assembly commission, the clerk/director general and other secretariat staff. The Senate welcomed her with applause and she withdrew from the Chamber.

Petition.

Petitions were severally presented and referred as follows:

By Mr. Rosenberg, a petition (accompanied by bill, Senate, No. 2131) of Stanley C. Rosenberg and Stephen Kulik (by vote of the town) for legislation to authorize the town of Sunderland to continue the employment of James P. Bielunis as a call firefighter [Local approval received];

**Under Senate Rule 20, to the committee on Public Service.
Sent to the House for concurrence.**

By Mr. Richard T. Moore, a petition (subject to Joint Rule 12) of Richard T. Moore for legislation to designate a certain bridge in the town of Dudley as the Christopher P. Dona Memorial Bridge; and

By the same Senator, a petition (subject to Joint Rule 12) of Richard T. Moore and Peter J. Durant for legislation to establish a sick leave bank for Jose Portalatin, an employee of the Department of Correction;

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

Reports of Committees.

By Mr. Welch, for the committee on Health Care Financing, that the Senate Bill to improve access to child and adolescent mental health services (Senate, No. 920),-- ought to pass [Estimated cost-more than \$100,000];

By the same Senator, for the same committee, that the Senate Bill relative to the civil commitment for alcoholism or substance abuse at certain facilities (Senate, No. 921),-- ought to pass [Estimated cost-more than \$100,000];

By the same Senator, for the same committee, that the Senate Bill relative to the enhanced management of early childhood caries among MassHealth patients (Senate, No. 994),-- ought to pass [Estimated cost-more than \$100,000]; and

By the same Senator, for the same committee, that the Senate Bill relative to reserving beds in nursing homes during certain leaves of absence (Senate, No. 2017) (also based on House, No. 1029),--ought to pass [Estimated cost-more than \$100,000];

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

By Mr. Welch, for the committee on Health Care Financing, that the Senate Bill relative to robotic surgery in the Commonwealth (Senate, No. 1069),-- ought to pass with an amendment in line 27, by striking "2014" and inserting in place thereof the following "2015" [Estimated cost-less than \$100,000]; and

By the same Senator, for the same committee, that the Senate Bill relative to the practice of athletic training (Senate, No. 1832),-- ought to pass [Estimated cost-less than \$100,000];

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

By Mr. Welch, for the committee on Health Care Financing, on petition, a Bill to preserve eligibility for PACE program and certain waived participants (Senate, No. 517) [Estimated cost-more than \$100,000]; and

By the same Senator, for the same committee, on petition, a Bill to address the lack of sex-specific data in Massachusetts (Senate, No. 566) [Estimated cost-more than \$100,000];

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

By Ms. Forry, for the committee on Municipalities and Regional Government, on Senate No. 2065 and House No. 4028, a Bill relative to the board of health in the city of Worcester (Senate, No. 2065); [Local approval received];

Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

PAPERS FROM THE HOUSE.

Bills

Relative to proof of identity for certain licensure (House, No. 3946,-- on House, No. 3714); and

Making appropriations for fiscal year 2015 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking funds and serial bond requirements and for certain permanent improvements (House, No. 4001,-- on House, No. 2, in part);

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

Bills

Authorizing the town of Conway to continue the employment of Robert Baker and Ronald Hawkes (House, No. 3876,-- on petition) [Local approval received];

Authorizing the town of Danvers to grant additional licenses for the sale of alcoholic beverages (House, No. 4052, amended-- on House, No. 3948) [Local approval received on House, No. 3948]; and

Authorizing the city of Peabody to grant additional all alcoholic beverages or wines and malt beverages licenses (House, No. 4053,-- on House, No. 3949) [Local approval received on House, No. 3949];

Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Report of the committee on Transportation asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3020) of Garrett J. Bradley relative to operating a motor vehicle under the influence of inhalants,-- and recommending that the same be referred to the committee the Judiciary,-- **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

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 four 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 considered forthwith and adopted, as follows:-

Resolutions (filed by Ms. Lovely) "congratulating Reverend Marthinus J. Riekert on his installation as the 41st minister of the Congregational Church of Topsfield."

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill to prevent shackling and promote safe pregnancies for female inmates (see Senate, No. 2063, 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 establishing a sick leave bank for Michael J. Donoghue, an employee of the Norfolk Sheriff's Office (see Senate, No. 2067), 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.

An engrossed Bill relative to strengthening campaign finance reporting requirements (see House No. 3760, 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 13 to 0.**
The bill was signed by the President and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Christine Green, an employee of the Department of Mental Health (see House No. 3957, 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 14 to 0.**
The bill was signed by the President and sent to the House for enactment.

An engrossed Bill providing for the terms of certain bonds to be issued by the Commonwealth for the improvement, expansion and development of military installations (see House Bill printed in House, No. 3982), 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 18 to 0.**
The bill was signed by the President and sent to the House for enactment.

Engrossed Bills.

The following engrossed bills (all of which originated in the House), 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 President and laid before the Governor for his approbation, to wit:

Authorizing the town of Marion to impose liens upon property for the collection of water bills (see House, No. 3605, amended); Authorizing the town of Stoneham to create a special fund for railroad right of way proceeds (see House, No. 3743); and Authorizing the town of Stoneham to establish a special fund for the collection and disposal of trash (see House, No. 3744).

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 16, 2014; 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 21, 2014, 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. Rosenberg, and, the order was considered forthwith and adopted.

Matter Taken Out of the Notice Section.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered as follows: The Senate Bill relative to the disability retirement of Woburn police officer Robert DeNapoli (Senate, No. 2042),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Donnelly offered an amendment substituting a new draft with the same title (Senate, No. 2134).

The amendment was adopted.

**The bill (Senate, No. 2134) was then passed to be engrossed.
Sent to the House for concurrence.**

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Authorizing the town of Chesterfield to continue the employment of police chief Gary Wickland (Senate, No. 2051);
Relative to property tax exemptions for rental properties in the town of Truro restricted as affordable housing (House, No. 2693);
and
Relative to a certain parcel of land in the town of Stow (House, No. 3935);
Were severally read a second time and ordered to a third reading.

Reports of Committees.

By Mr. Brewer, for the committee on Ways and Means, on the residue of House, No. 4026, a “Bill establishing the domestic workers bill of rights” (Senate, No. 2132),-- **was read.**
There being no objection, the rules were suspended, on motion of Mr. Petruccelli, 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 sixteen minutes past two o'clock P.M., on motion of Mr. Petruccelli, as follows, to wit (*yeas 39 — nays 0*) **[Yeas and Nays No. 294]:**

YEAS.

Barrett, Michael J.	Kennedy, Thomas P.
Brewer, Stephen M.	Lewis, Jason M.
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.	Petruccelli, Anthony
Eldridge, James B.	Rodrigues, Michael J.
Finegold, Barry R.	Rosenberg, Stanley C.

Flanagan, Jennifer L.	Ross, Richard J.
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.

ABSENT OR NOT VOTING.

Rush, Michael F. – 1.

The yeas and nays having been completed at nineteen minutes past two o'clock P.M., the bill was passed to be engrossed. Sent to the House for concurrence.

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 Northbridge as the Cpl Thomas S. Perron, USMC Memorial Bridge (Senate, No. 1759).

There being no objection, the rules were suspended, on motion of Mr. Richard T. Moore, and the bill was read a second time. Pending the question on ordering the bill to a third reading, Mr. Richard T. Moore offered an amendment inserting after section 1, the following sections:-

“SECTION 2. Notwithstanding any general or special law to the contrary, the Massachusetts Department of Transportation is hereby authorized and directed to erect a suitable marker at the intersection of Route 122 and Hartford Avenue in the town of Uxbridge in honor of Private Edward Sullivan, United States Marine Corps, Recipient of the Congressional Medal of Honor, 1898.

SECTION 3. Notwithstanding any general or special law to the contrary, Bridge # D12026-1XX on route 131 over the Quinebaug river of Dudley shall be dedicated as the Private First Class Ranger Christopher P. Dona, Army, Memorial Bridge in honor of Private Christopher Dona, United States Army, who was killed in a tragic parachuting accident June 13, 2013 at Fort Stewart-Hunter Airfield base. The Massachusetts Department of Transportation shall erect and maintain suitable markers bearing that designation in compliance with the standards of the department.”; and by striking out the title and inserting in place thereof the following title:- “An Act relative to certain designations in the towns of Northbridge, Uxbridge, and Dudley”.

The amendment was adopted.

The bill (Senate, No. 1759, amended) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

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 House Bill designating a certain pedestrian bridge in the city of Boston as the Frances “Fanny” Appleton Bridge (House, No. 2904).

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

By Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Marc R. Pacheco and Susan Williams Gifford for legislation to establish a sick leave bank for Denis Cassidy,

an employee of the Department of Correction.

Senate Rule 36 was suspended, on motion of Mr. Pacheco, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the House for concurrence.

PAPERS FROM THE HOUSE

The following House Orders (approved by the committees on Rules of the two branches, acting concurrently) were considered as follows:

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Thursday, May 15, 2014, within which time to make its final report on current Senate documents numbered 1639, 1640, 1643, 1648, 1649, 1653, 1664, 1672, 1712, and 1714, and House documents numbered 3023, 3024, 3025, 3040, 3044, 3068, 3077, 3099, 3112, 3118, 3136, 3168, 3285, 3369, and 3584.

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

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Environment, Natural Resources and Agriculture be granted until Sunday, June 15, 2014, within which time to make its final report on current Senate documents numbered 345, 361, and 411, and House documents numbered 657, 754, 756, 772, 800, 818, 819, 820, 3594, and 3828..

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

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Telecommunications, Utilities and Energy shall be granted until Sunday, June 15, 2014, within which time to make its final report on current Senate documents numbered 177, 1572, 1585, 1611, 1612, 1873, 1908, 2019, 2020, and 2030, and House documents numbered 2915, 2928, 2930, 2935, 2947, 2964, 3385, 3901, and 3968.

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

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Telecommunications, Utilities and Energy be granted until Tuesday, July 15, 2014, within which time to make its final report on current Senate documents numbered 379, 1588, 1598, 1605, 1614, and 1616, and House documents numbered 2923, 2942, 2943, 2973, 2984, and 2992.

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

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill to reduce prescription drug tampering and abuse (Senate, No. 1965) (the committee on Health Care Financing having recommended that the bill be amended by substituting a new draft with the same title, Senate, No. 2100),-- **recommended that the proposed Health Care Financing new draft (Senate, No. 2100) ought to pass, with an amendment, substituting a new draft entitled "An Act to increase opportunities for long term substance abuse recovery" (Senate, 2133).**

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 reduce prescription drug tampering and abuse (Senate, No. 1965) (the committee on Health Care Financing having recommended that the bill be amended by substituting a new draft with the same title, Senate, No. 2100) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft entitled "An Act to increase opportunities for long term substance abuse recovery", Senate, No. 2133) shall be placed in the Orders of the Day for a second reading on Tuesday, May 13, 2014.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 10:00 A.M. on Monday, May 12, 2014. All such amendments shall be second-reading amendments to the recommended Senate Ways and Means new draft (Senate, No. 2133) 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 on Ethics and Rules, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Ms. Flanagan, and the order was considered forthwith and adopted.

The bill was placed in the Orders of the Day for Tuesday, May 13, 2014, with the Health Care Financing and Ways and Means amendments pending.

Order Adopted.

On motion of Mr. Barrett,--

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 David Phillips Eldridge.

Adjourn In Memory of David Phillips Eldridge

The Senator from Middlesex and Worcester, Mr. Eldridge, moved that when the senate adjourns today, it do so in memory of David Phillips Eldridge.

David was born on July 24th, 1944 in Boston, to Hudson and Barbara Eldridge. He grew up first in South Natick, and then East Dennis on the Cape, and was a graduate of Dennis Yarmouth High School. He was the first person in his family to attend college, graduating from MIT in 1966, after which he began working as an electrical engineer at Raytheon Corporation for 36 years, until his retirement.

David was married to Betsy Eldridge for 45 years. They bought their home in Acton, where they raised their kids, Jamie and Amanda Eldridge. David's priority was always supporting his family, but he also enjoyed reading, improving his house and yard, and was a lifelong gardener. He was a strong supporter of his son Jamie entering politics, and served as his treasurer from his first run for public office.

David leaves his loving wife Betsy, son Jamie, daughter Amanda, son-in-law Rohan Heron, and cherished granddaughter Olivia.

Accordingly, as a mark of respect in memory of David Phillips Eldridge, at eighteen minutes before three o'clock P.M., on motion of Ms. Chang-Diaz, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.