

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 9, 2013.

Met at two 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 the Chair (Mr. Rosenberg), members, guests and staff in the recitation of the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, the Chair (Mr. Rosenberg) handed the gavel to Mr. Donnelly for the purpose of an introduction. Mr. Donnelly then introduced, in the rear of the Chamber, members of the Greater Boston Chapter of the Executive Committee of the American Society of Safety Engineers. Among the group were Vice President of Chapter Development, Tom Rich, Vice President of Government Affairs, Richard O'Keefe and House of Delegates Dave Crowley. They were visiting the State House to promote North American Occupational Safety Health Week. Their goal is to focus employers, employees, partners and the public on the importance of preventing injury and illness in the workplace, at home and in the community. The Senate presented the group with a Joint Resolutions, applauded their accomplishments and they withdrew from the Chamber.

Communications.

The following communications were severally received and placed on file:

Communication from the Honorable Therese Murray, President of the Senate, announcing her appointment of Senators Stanley C. Rosenberg and John F. Keenan to the Special Commission established (under Section 273 of Chapter 224 of the Acts of 2012) to make an investigation and study of pharmaceutical cost containment; and

Communication from the Joint Committee on Health Care Financing (under the provisions of Joint Rule 1) relative to the rules of procedure for said committee for the 2013-2014 legislative session (received Monday, March 6, 2013).

Report of Committees.

By Mr. Pacheco, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill to create uniform beach warnings (Senate, No. 409);

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

By Mr. Rodrigues, for the committee on Revenue on Senate Nos. 1332 and 1415 and House 2517, a Bill relative to local property tax exemptions for certain persons (Senate, No. 1415);

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

By Mr. Rodrigues, for the committee on Revenue, on petition, a Bill to authorize the town of Freetown to designate a check off on its tax bills (Senate, No. 1404) [Local approval received];

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

PAPER FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3448) of Stephen L. DiNatale and Jennifer L. Flanagan (with the approval of the mayor and city council) authorizing the city of Fitchburg to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises;

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3453) of Eugene O'Flaherty relative to Charlestown's designated port area (having been timely filed prior to 5:00 P.M., on Friday, January 18, 2013 in the Office of the Clerk of the House, and having been transmitted to the Secretary of the Commonwealth under the provisions of Section 5 of Chapter 3 of the General Laws and having been returned by the Secretary of the Commonwealth with memorandum relative thereto);

To the committee on Environment, Natural Resources and Agriculture

Petition (accompanied by bill, House, No. 3449) of Leah Cole, Theodore C. Speliotis and Joan Lovely (with the approval of the mayor and city council) exempting the positions of police chief and fire chief in the city of Peabody from the civil service law;

To the committee on Public Service.

Bills

Establishing a sick leave bank for Marie Alito, an employee of the Middlesex Probate and Family Court (House, No. 3440,-- on petition);

Establishing a sick leave bank for John Daley, an employee of the Department of Children and Families (House, No. 3442,-- on petition); and

Establishing a sick leave bank for Carmen Berry, an employee of the Department of Children and Families (House, No. 3443,-- on petition);

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

Bills

Authorizing the town of Framingham to place municipal charge liens on certain properties in the town of Framingham for nonpayment of any local charges, fee or fine. (House, No. 3358,-- on petition) [Local approval received];

Authorizing the town of Hingham to change the use of certain parcels of land in the town (House, No. 3411,-- on Senate, No. 951 and House, No. 3232) [Local approval received on House, No. 3232]; and

Validating the actions taken by assistant tax collector, Rosemarie Driscoll, in the town of Weymouth (House, No. 3446,-- on House, Nos. 1868 and 3233) [Local approval received on House, Nos. 1868 and 3233];

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

PAPERS FROM THE HOUSE

Emergency Preambles Adopted

An engrossed Bill establishing a sick leave bank for Steven Dupras, an employee of the Department of Mental Health (see Senate, No. 1754), 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.

An engrossed Bill establishing a sick leave bank for Patricia Capozzoli, an employee of the Department of Correction (see Senate, No. 1762, 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 3 to 0.**

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

An engrossed Bill establishing a sick leave bank for Jaqueline Eld, an employee of the Trial Court (see House, No. 3328, 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 3 to 0.**

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

An engrossed Bill financing improvements to the Commonwealth's Transportation System (see House, No. 3379, 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 3 to 0. The bill was signed by the Acting President (Mr. Rosenberg) and sent to the House for enactment.

Resolutions.

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

Resolutions (filed by Ms. Creem) "congratulating Jerome 'Jerry' H. Weinstein on his eighty-fifth birthday";

Resolutions (filed by Messrs. Donnelly, Barrett and Brewer, Ms. Clark, Messrs. DiDomenico, Eldridge and Finegold, Ms. Jehlen, Messrs. Keenan, Knapik, Michael O. Moore, Richard T. Moore and Rosenberg, Ms. Spilka, and Messrs. Timilty and Welch) "congratulating the Greater Boston Chapter of the American Society of Safety Engineers on its celebration of North American Occupational Safety and Health Week and Occupational Safety and Health Professional Day";

Resolutions (filed by Mr. Joyce) "congratulating Elizabeth D. Faricy on her retirement from the town of West Bridgewater";

Resolutions (filed by Mr. McGee) "congratulating the St. Mary's High School Girls Ice Hockey Team on their 2013 Division I State Championship";

Resolutions (filed by Mr. Pacheco) "congratulating Jean Frances McGillicuddy on her retirement as Clerk of the Town of Carver"; and

Resolutions (filed by Messrs. Welch and Brewer, Ms. Candaras and Mr. Knapik) "commending Janis Santos on 40 years of dedicated service to Holyoke Chicopee Springfield Headstart, Inc."

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Richard Slayman, also known as Rick, an employee of the Massachusetts Department of Transportation (House, No. 3378),-- ought to pass, with amendments striking out, in line 2, the following words "also known as Rick,"; by striking out, in line 5, the first time it appears, the words " , also known as Rick"; by striking out in said line 5, the second time it appears, the words " , also known as Rick,"; and by striking out the title and inserting in place thereof the following title:- "An Act establishing a sick leave bank for Richard Slayman, an employee of the Massachusetts Department of Transportation."

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

Matters Taken Out of the Orders of the Day.

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

The House Bill relative to certain parcels of land in the city of Revere (House, No. 3336, changed and amended),-- **was read second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The Senate Bill amending the charter of the city of Holyoke to limit the number of terms served by the president of the City Council (Senate, No. 956),-- **was read 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. 3456) of John W. Scibak and Ellen Story relative to the South Hadley Fire District Number Two;

Under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.

Petition (accompanied by Resolve, House, No. 3455) of Garrett J. Bradley and others providing for an investigation and study by a special commission relative to aphasia;

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

Engrossed Bills.

The following engrossed bills (the first two 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:

Establishing a sick leave bank for Steven Dupras, an employee of the Department of Mental Health (see Senate, No. 1754);

Establishing a sick leave bank for Patricia Capozzoli, an employee of the Department of Correction (see Senate, No. 1762, amended); and

Establishing a sick leave bank for Jaqueline Eld, an employee of the Trial Court (see House, No. 3328, amended).

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.

On motion of the same Senator, at seventeen minutes past eleven o'clock A.M., the Senate adjourned to meet again on Monday at eleven o'clock A.M.