

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 29, 2014.

Met at one minute 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.

Communication.

A communication from the Honorable Bruce E. Tarr, Minority Leader, announcing the appointment of Senator Donald F. Humason, Jr. to the Military Asset and Security Task Force (pursuant to Section 3 of Chapter 48 of the Acts of 2014),-- **was placed on file.**

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 2164) of Jason Lewis (by vote of the town) for legislation relative to the appeal of a site plan decision in the town of Stoneham [Local approval received];

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

By Mr. Richard T. Moore, a petition (subject to Joint Rule 12) of Richard T. Moore and John V. Fernandes for legislation to establish the Massachusetts paint stewardship program;

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

Reports of Committees.

By Mr. Petrucci, for the committee on Financial Services, on Senate No. 422 and House No. 981, a Bill relative to financial services contracts for dental benefits corporations (Senate, No. 2156);

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

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on Senate No. 1128 and House Nos. 2155 and 2164, a Bill relative to the installation of approved smoke detectors in certain residential buildings and structures (Senate, No. 2157);

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

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

Petition (accompanied by bill, House, No. 4127) of William M. Straus (by vote of the town) that the town of Fairhaven be authorized to establish a per acre shellfish aquacultural license fee in said town;

To the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 4128) of William M. Straus (by vote of the town) that the town of Fairhaven be authorized to restructure the board of public works of said town; and

Petition (accompanied by bill, House, No. 4129) of William M. Straus (by vote of the town) that the town of Fairhaven be authorized to establish the position of town administrator in said town;

Severally, to the committee on Municipalities and Regional Government.

A Bill relative to the expansion of the Boston Convention and Exhibition Center (House, No. 4111,-- on House, No. 3952),-- **was read and, under Senate Rule 26C, referred to the committee on Bonding, Capital Expenditures and State Assets.**

A Bill establishing a sick leave bank for Marcy L. Bray, an employee of the Massachusetts Department of Developmental Services (House, No. 4041,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Authorizing the city of Holyoke to issue additional licenses for the sale of all alcoholic beverages and wines and malt beverages to be drunk on the premises (House, No. 4048,-- on House, No. 3928) [Local approval received on House, No. 3928]; and

Authorizing the lease of air rights over a portion of a municipal off-street parking area - rear of the property located at 280-290 Harvard Street (House, No. 4120-- on House, No. 3863) [Local approval received on House, No. 3863],--

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

The Senate Bill designating June 14 as the birthday of the United States Army and June 9 as General Sylvanus Thayer Day (Senate, No. 1963, amended),-- **came from the House passed to be engrossed, in concurrence with an amendment 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 a day in June honoring General Sylvanus Thayer and the formation of the United States Army, 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 Mr. Richard T. Moore and the House amendment was considered forthwith and adopted, in concurrence.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:-
Resolutions (filed by Ms. Chandler, Mr. Eldridge and Ms. Spilka) “congratulating Dr. Charles E. Gobron on his retirement from the position of Superintendent of the Northborough-Southborough School District”;

Resolutions (filed by Messrs. Downing and Humason) “congratulating the Gateway Regional School District on its fiftieth anniversary”;

Resolutions (filed by Ms. Lovely) “honoring the memory of Robert ‘Bongo’ Marshall on the occasion of the dedication of the Essex County Regional Support Services Building”;

Resolutions (filed by Mr. Ross) “congratulating John Chipman on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Ross) “congratulating Matthew Chipman on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Ross) “congratulating Frank Forest Davidson V on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Ross) “congratulating Jason Fitch on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Ross) “congratulating Wesley John Gallant on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Ross) “congratulating William Linde on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Ross) “congratulating Brian O’Sullivan on his elevation to the rank of Eagle Scout”; and

Resolutions (filed by Mr. Ross) “congratulating Andrew Woodworth on his elevation to the rank of Eagle Scout.”

Communication.

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS MASSACHUSETTS SENATE

June 2, 2014

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

Dear Mr. Clerk,

I regret that I missed 2 roll calls on May 22, 2014. If I were present, I would have voted in the following manner:

- Senate Roll Call #327, S. 1991, An Act authorizing the temporary use of certain park lands in the city of Newton, I would have voted "Yes."

- Senate Roll Call #328, an amendment to S. 4 entitled "CORI checks for ACA navigators," I would have voted "Yes."

I wish that this vote be recorded and a copy of this letter be entered in the journal of the Senate.

Very truly yours,
BARRY R. FINEGOLD,
Second Essex & Middlesex.

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

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 Senate Bill authorizing the town of Plymouth to establish an 1820 courthouse fund (Senate, No. 2136),-- **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.**

The Senate Bill authorizing the town of Heath to continue the employment of Margo Ann Newton as police chief (Senate, No. 1789),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Downing presented an amendment in section 1, by adding the following sentence:- "Upon retirement, September 30, 2014 shall be the operable retirement date in calculating Margo Ann Newton's pension benefits under chapter 32 of the General Laws."

The amendment was adopted.

The bill (Senate, No. 1789, amended) was then passed to be engrossed.

Sent to the House for concurrence.

The House Bill relative to authorizing the city of Newton to place an advisory question on the ballot (House, No. 3457) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

Reports of a Committee.

The following report was laid before the Senate, the time within which the said committee was required to report having expired:—

Of the committee on Transportation, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 2043) of Stephen M. Brewer and Anne M. Gobi for legislation to designate a certain bridge in the town of Barre as the Basil D. Izzi Bridge.

On motion of Mr. Richard T. Moore, the rules were suspended; and, on further motion of the same Senator, the petition was recommitted to the Joint Committee on Transportation.

The following report was laid before the Senate, the time within which the said committee was required to report having expired:—

Of the committee on Transportation, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 2070) of Michael O. Moore and Paul K. Frost for legislation to designate a certain bridge in the town of Millbury as the Joseph R. Bianculli Bridge.

On motion of Mr. Richard T. Moore, the rules were suspended; and, on further motion of the same Senator, the petition was recommitted to the Joint Committee on Transportation.

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Order -- Amended.

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

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on State Administration and Regulatory Oversight shall be granted until Thursday, May 29th, 2014, within which to report on a current House document numbered 3917.

The rules were suspended, on motion of Mr. Tarr.

After remarks, and pending the question on adoption of the order, Mr. Tarr moved that the order be amended by striking out, in line 2, the words "Thursday, May 29, 2014" and inserting in place thereof the following:- "Wednesday, June 25, 2014".

The amendment was adopted.

The order, as amended, was then adopted, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Emergency Preamble Adopted.

An engrossed Bill authorizing the Department of Fish and Game to acquire certain parcels of land in the town of Grafton from the Grafton Water District (see House, No. 3775, 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.

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:

Authorizing the city of Northampton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 1962, amended);

Amending the charter of the city known as the town of Greenfield (see Senate, No. 2103); and

Making appropriations for the fiscal year 2014 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4081, amended).

The House Bill making appropriations for the fiscal year 2015 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4001),— came from the House with the endorsement that the House had NON-concurred in the further Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2160) and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Dempsey of Haverhill, Kulik of Worthington and deMacedo of Plymouth have been appointed the committee on the part of the House.

On motion of Mr. Tarr, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Brewer, Flanagan and Ross were appointed on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Engrossed Bills.

The following engrossed bills (both 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:

Authorizing the town of Milton to assess an additional amount of real estate and personal property taxes (see Senate, No. 1872); and

Relative to the disability retirement of Woburn police officer Robert Denapoli (see Senate, No. 2134).

Recess.

There being no objection, at eighteen minutes past eleven o'clock A.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at twenty-seven minutes before twelve o'clock noon, the Senate reassembled, Mr. Richard T. Moore in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

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Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill designating June 14 as the birthday of the United States Army and June 9 as General Sylvanus Thayer Day (see Senate, No. 1963, 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 2 to 0.

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

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. Richard T. Moore) and laid before the Governor for his approbation.

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 twenty minutes before twelve o'clock noon, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.