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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, June 5, 2014.

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

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Humason, a petition (accompanied by bill, Senate, No. 2169) of Donald F. Humason, Jr. and John Velis (with the approval of the mayor and city council) for legislation relative to the acceptance of Paper Mill Road as a public way in the city of Westfield [Local approval received];

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

By Mr. Petrucci, a petition (subject to Joint Rule 12) of Anthony W. Petrucci for legislation to promote the independence of the Massachusetts Port Authority employees' retirement system;

By Mr. Rosenberg, a petition (subject to Joint Rule 12) of Stanley C. Rosenberg and Ellen Story for legislation to increase the membership of the board of trustees and increasing quorum for the transaction of the corporate business of Amherst College; and
By Mr. Ross, a petition (subject to Joint Rule 12) of Richard J. Ross and Shawn Dooley for legislation to establish a sick leave bank for James Goguen, an employee of the Department of Developmental Services;

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

Reports of Committees.

By Mr. Michael O. Moore, for the committee on Higher Education, on Senate, Nos. 276, 573, 574, 576, 577, 578, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589 and 590, an Order relative to authorizing the joint committee on Higher Education to make an investigation and study of certain current Senate documents relative to higher education issues (Senate, No. 2168); and

By Mr. Rush, for the committee on Veterans and Federal Affairs, on Senate, Nos. 1725, 1731, 1734, 1735, 1736, 1737, 1738, 1739 and 1744 and House Nos. 3178, 3179, 3184, 3197, 3201, 3203, 3208, 3209, 3210, 3215, 3408 and 3482, an Order relative to authorizing the joint committee on Veterans and Federal Affairs to make an investigation and study of certain current Senate and House documents relative to veterans and federal affairs issues (Senate, No. 2167);

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

By Mr. Kennedy, for the committee on Consumer Protection and Professional Licensure, on Senate No. 100 and House No. 239, a Bill to maintain public water systems (Senate, No. 100);

By the same Senator, for the same committee, on Senate No. 128 and House No. 231, a Bill relative to unsolicited loans (Senate, No. 128); and

By the same Senator, for the same committee, on petition, a Bill relative to certain alcoholic liquor licenses (Senate, No. 165);

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

Committee Discharged.

Mr. Kennedy, for the committee on Consumer Protection and Professional Licensure, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2158) of Bruce E. Tarr, Robert L. Hedlund, Donald F. Humason, Jr., Richard J. Ross and others for legislation to recover assets used in the commission of sexual offenses,-- **and recommending that the same be referred to the committee on the Judiciary; Under Senate Rule 36, the report was considered forthwith and accepted. Sent to the House for concurrence.**

PAPERS FROM THE HOUSE

A petition (accompanied by bill, House, No.4130) of William M. Straus (by vote of the town) that the town of Fairhaven be authorized to establish a local sales tax on the sale of medical marijuana in said town,-- **was referred, in concurrence, to the committee on Revenue.**

A Bill providing for burial benefits under the workers' compensation act (House, No. 3766, amended-- on Senate, No. 866 and House, No. 1698),-- was read and, under Senate Rule 27, referred to the committee on Ways and Means

Report of the committee on the Judiciary asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4058) of Sheila C. Harrington and others relative to the care and protection of children,-- and recommending that the same be referred to the committee Children, Families and Persons with Disabilities,- 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 half past two 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. Creem) "honoring the Cure Alzheimer's Fund on the occasion of its tenth anniversary";
Resolutions (filed by Mr. Richard T. Moore) "celebrating the tenth anniversary of the 86 Main Street location of the Blackstone Public Library";
Resolutions (filed by Ms. Murray) "congratulating the residents of the town of Sandwich on the three hundred and seventy-fifth anniversary of its incorporation";
Resolutions (filed by Mr. Rosenberg) "celebrating forty years of the University of Massachusetts Wind Energy Center";
Resolutions (filed by Mr. Spilka) "congratulating Nicholas J. Ferris on his elevation to the rank of Eagle Scout";
Resolutions (filed by Mr. Spilka) "congratulating Cameron J. Field on his elevation to the rank of Eagle Scout"; and
Resolutions (filed by Ms. Spilka and Mr. Ross) "congratulating Anna Kroon on receiving the Gold Award of the Girl Scouts of America."

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4148) of Christopher G. Fallon relative to cast iron pipelines;
Under suspension of Joint Rule 12, to the committee on Telecommunications, Utilities and Energy.

Petition (accompanied by bill, House, No. 4149) of Paul Brodeur relative to television broadcasts or other video images while operating a motor vehicle;
Under suspension of Joint Rule 12, to the committee on Transportation.

Engrossed Bills.

The following engrossed bills (the first three 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 President and laid before the Governor for his approbation, to wit:

Designating a certain bridge in the city of Easthampton as the Korean War Veterans Memorial Bridge (see Senate, No. 1675);
Authorizing the Division of Capital Asset Management and Maintenance to convey certain property at Northampton State Hospital (see Senate, No. 2006);
Relative to the financial condition of the city of North Adams (see Senate, No. 2089);
Authorizing the town of Danvers to grant 6 additional licenses for the sale of alcoholic beverages to be drunk on the premises (see House, No. 4052, amended);

Authorizing the city of Peabody to grant 10 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4053); and
Establishing a sick leave bank for Anne Marie McDonough, an employee of the Trial Court (see House, No. 4056, amended).

Engrossed Bill — Land Taking for Conservation Etc.

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) (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 twenty-seven minutes before three o'clock P.M., as follows, to wit (*yeas 38 - nays 0*) [**Yeas and Nays No. 347**]:

YEAS.

Barrett, Michael J.	Keenan, John F.
Brewer, Stephen M.	Kennedy, Thomas P.
Brownsberger, William N.	Lewis, Jason M.
Candaras, Gale D.	Lovely, Joan B.
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.

ABSENT OR NOT VOTING.

McGee, Thomas M. – 1.

The yeas and nays having been completed at twenty-two minutes before three 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.

Orders Adopted.

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

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Housing be granted until Wednesday, June 18, 2014, within which time to make its final report on current Senate documents numbered 592, 593, 604, and 612, and House documents numbered 44, 1094, 1102, 1103, 1120, 1145, 1146, and 1156.

The rules were suspended, on motion of Ms. Forry, 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 State Administration and Regulatory Oversight be granted until Wednesday, June 25, 2014, within which time to make its final report on current House document numbered 4051.

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

Reports of Committees.

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 relative to liability coverage under the Massachusetts Property Insurance Underwriting Association (Senate, No. 465).

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, after remarks, 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 House Bill relative to continuing education requirement for insurance producers (House, No. 880).

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. Brewer, for the committee on Ways and Means, that the Senate Bill relative to missing persons (Senate, No. 1110),--
ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2173).

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

The bill (Senate, No. 2173) 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 nine minutes past three o'clock P.M., on motion of Mr. Brewer, as follows to wit (*yeas 38 -- nays 0*) [**Yeas and Nays No. 348**]:

YEAS.

Barrett, Michael J.	Keenan, John F.
Brewer, Stephen M.	Kennedy, Thomas P.
Brownsberger, William N.	Lewis, Jason M.
Candaras, Gale D.	Lovely, Joan B.
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.

ABSENT OR NOT VOTING.

McGee, Thomas M. – **1.**

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

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Denise Frost, an employee of the Department of Developmental Services (Senate, No. 2150),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2175).**

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

The bill (Senate, No. 2175) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to amusement devices (Senate, No. 1184),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2174).**

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

The bill (Senate, No. 2174) was then ordered to a third reading and read a third time.

Pending the question on passing the bill to be engrossed, Messrs. Hedlund, Humason and Tarr moved to amend the bill in section 3 in subsection (a) of section 205A of chapter 140 of the General Laws by adding the following sentence: "This section shall not apply to fixed carousels that are owned and operated by a non-profit corporation; provided, that the non-profit corporation has submitted an inspection report with the department of public safety demonstrating that the fixed carousel is safe; provided further that such an inspection report shall be submitted annually."; and in said section 3, in paragraph (1) of subsection (b) of section 205A of chapter 140 of the General Laws by adding the following sentence: "The commissioner may adopt rules and regulations creating exemptions for other fixed carousels, which do not pose a risk to public safety."

The amendment was adopted.

The bill (Senate, No. 2174, amended) was then passed to be engrossed.

Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill relative to the substitution of interchangeable biosimilars (House, No. 3734),-- **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2176.**

There being no objection, the rules were suspended, on motion of Mr. Rodrigues, 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 and read a third time.

After remarks, Mr. Richard T. Moore moved that the bill be laid on the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.

PAPER FROM THE HOUSE

Order Adopted.

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 be granted until Wednesday, June 25, 2014, within which time to make its final report on current House documents numbered 2837, 2843, and 3917.

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

Order Adopted.

On motion of Ms. Candaras,--

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.

Adjourn In Memory of Frederick J. Butler

The Senator from Essex, Ms. Lovely, moved that when the Senate adjourns today, it do so in memory of Frederick J. Butler.

Frederick "Fred" J. Butler peacefully passed away on Sunday, May 11, 2014, surrounded by members of his loving family. Mr. Butler was 107, and at the time of his death, the oldest resident of the city of Beverly.

Mr. Butler was born on November 23, 1906, the son of the late Joseph and Margaret (Fay) Butler. Fred was predeceased by his wife of nearly 65 years, Ruth O. Butler, who died in 2012.

Mr. Butler attended Beverly Grammar schools, but left school after the 8th grade in order to financially support his mother and five siblings. Mr. Butler later served in the United States Army during World War II, returning home after the war to raise a family and to begin his career at the Beverly Water Department, from which he retired from in 1975.

No matter how much time passed, Mr. Butler always expressed his disappointment and regrets that he never received his high school diploma after leaving school to support his family.

However, on March 4, 2013, nearly 90 years after leaving school, Mr. Butler was awarded his honorary high school diploma from Beverly High School and the Keys to the City, at 106 years young, with well over one hundred family members and other well-wishers attending the graduation ceremony.

Mr. Butler was known by all as a humble, hardworking, and honest man who was devoted to his family, and cherished the time he spent with his grandchildren and great grandchildren.

Mr. Butler is survived by his five children: Susan Calabro and her husband Guy, Kathy Snow, Peggy Murphy and her husband Marty, Fred J. Butler, and Jim Butler, as well as being survived by 9 grandchildren, 11 great grandchildren, 3 great, great grandchildren, and a sister, Marguerite Gallagher.

Accordingly, as a mark of respect in memory of Frederick J. Butler, at twenty-seven minutes past three o'clock P.M., on motion of Ms. Lovely, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.