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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Tuesday, July 15, 2014.

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

Reports of Committees.

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on Senate, Nos. 1116, 1120, 1126, 1131, 1132, 1140, 1143, 1156, 1157, 1159, 1160, 1161, 1162, 1163, 1178, and 1198, an Order relative to authorizing the joint committee on Public Safety and Homeland Security to make an investigation and study of certain current Senate documents relative to public safety and homeland security issues (Senate, No. 2266);

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

By Mr. Timilty, for the committee on Public Safety and Homeland Security, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1115) of Harriette L. Chandler, Cheryl A. Coakley-Rivera, Patricia D. Jehlen, Jason M. Lewis and other members of the General Court for legislation to improve the collection and analysis of data relative to traffic stops and to establish a primary safety belt law;

Referred, under Senate Rule 36, to the committee on Ethics and Rules.

By Ms. Forry, for the committee on Municipalities and Regional Government, on petition, a Bill to amend chapter 422 of the acts of 2006 relative to the Worcester DCU arena and convention center (Senate, No. 2227) [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 fire safety (House, No. 4137,-- on House, No. 2130); and

Establishing a sick leave bank for Kimberley DeSiata, an employee of the Department of State Police (House, No. 4230,-- on petition);

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

Bills

Designating the Essex Probate and Family Court as the Thaddeus Buczko Building (House, No. 4124, amended,-- on House, No. 1425); and

Validating the results of the annual town meeting of the town of Millis held on May 12, 2014 (printed in House, No. 4182,-- being a message from His Excellency the Governor);

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

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 twenty-five minutes before three 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 Mr. Richard T. Moore) " honoring U.S. Army Ranger Kevin Shinnick of Milford as 75th Ranger Regiment 'Soldier of the Year' and as U.S. Army Special Operations Command 'Warrior of the Year'."

Communication.

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

July 15, 2014

William Welch, Clerk
Massachusetts State Senate
State House, Room 334
Boston, MA 02133

Dear Mr. Clerk:

Due to a prior commitment, I was absent from the Chamber on Thursday, July 10, 2014. Had I been present, I would have voted in the following manner on these Roll Calls:

- 399: Yes, on Senate Bill, No. 2255, An Act fueling job creation through energy efficiency
- 400: Yes, on Senate Bill, No. 2249, An Act relative to uniform adult guardianship and protective proceedings jurisdiction and on these Roll Calls for Senate Bill, No. 2250, the Environmental Bond Bill:
- 401: Yes, on Senator Tarr Amendment #151, Conservation Land Tax Credit
- 402: Yes, on Senator Richard Moore Amendment #208, Water Regulation Cost Review
- 403: Yes, on House Bill, No. 4150, Environmental Bond Bill engrossment

I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official records for July 10, 2014. Thank you in advance for your attention to this important matter.

Sincerely,
CYNTHIA S. CREEM,
State Senator

On motion of Ms. Creem, the above communication was ordered printed in the Journal of the Senate.

Report of Committees.

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 Harriette L. Chandler and other members of the General Court for legislation to promote public safety and to protect access to reproductive health care facilities.

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

Orders of the Day.

The Orders of the Day were considered as follows:

The House Bill directing the State-Saugus retirement board to retire John Coburn, a police officer of the town of Saugus (House, No. 4256),-- **was read a second time and ordered to a third reading.**

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 House Bill authorizing the sales of alcoholic beverages on Sunday mornings (House, No. 228).

There being no objection, the rules were suspended, on motion of Ms. Donoghue, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Hedlund moved that further consideration be postponed until Thursday, July 24; and this motion was *negatived*.

The bill was then ordered to a third reading, read a third time and passed to be engrossed, in 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 to authorize the Dedham-Westwood Water District employees to buy back creditable service in the retirement system of Norfolk County (House, No. 2387) (the committee on Ethics and Rules recommending that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2269).

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

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.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to social media privacy protection (Senate, No. 2118),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2270).

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

The bill (Senate, No. 2270) 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 eleven minutes before three o'clock, P.M., on motion of Ms. Creem, as follows, to wit (yeas 39 -- nays 0) **[Yeas and Nays No. 404]**:

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.	O'Connor Ives, Kathleen
Donnelly, Kenneth J.	Pacheco, Marc R.
Donoghue, Eileen M.	Petruccelli, 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. – 39.
Keenan, John F.	

NAYS – 0.

The yeas and nays having been completed at seven minutes before 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 relative to fair retainage payments in private construction (Senate, No. 2120),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2271).

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.

Pending the question on ordering the bill (Senate, No. 2271) to a third reading, Mr. Tarr moved that the matter be laid on the table; and, under the provisions of Senate Rule 24, further consideration thereof was laid over until the next session.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to the in-office sales of medical devices and products (Senate, No. 1032) (the committee on Health Care Financing having recommended that the bill be amended by substituting a new draft with the same title, Senate, No. 2128) reported that the pending Health Care Financing recommended new draft (Senate, No. 2128) ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2272). There being no objection, the rules were suspended, on motion of Mr. Welch, and the bill was read a second time.

Pending the question on adoption of the Ways and Means amendment, and pending the main question on ordering the bill to a third reading, Mr. Keenan moved that the proposed new draft be amended by substituting a new draft entitled " An Act Transparency and Patient Protections" (Senate, No. 2274); and this amendment was *rejected*.

The pending Ways and Means amendment was then adopted.

The Health Care Financing amendment was then adopted, as amended.

After remarks, the bill (Senate, No. 2272) 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 to clarify the definition of a personal care attendant (printed as House, No. 148) (the committee on Health Care Financing having recommended that the bill be amended by substituting a new draft with the same title, Senate, No. 2099) reported that the pending Health Care Financing recommended new draft (Senate, No. 2099) ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2273). There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a second time.

Pending the question on adoption of the Ways and Means amendment, and pending the main question on ordering the bill to a third reading, Ms. Candaras and Mr. Wolf moved that the proposed Ways and Means new draft be amended by inserting at the end thereof the following new section:

" SECTION _ . Section 9 of Chapter 118 E is hereby amended by adding in the second sentence of the second paragraph, after the words " requirements for Title XIX" the following new language:-

Any program of home and community based services funded pursuant to the provisions of this chapter or pursuant to the provisions chapter one hundred and eighteen G, in which family members are permitted to serve as paid caregivers, shall include spouses within the definition of family member."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at eight minutes past three o'clock, P.M., on motion of Ms. Candaras, as follows, to wit (yeas 39 -- nays 0) **[Yeas and Nays No. 405]:**

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.	O'Connor Ives, Kathleen
Donnelly, Kenneth J.	Pacheco, Marc R.
Donoghue, Eileen M.	Petruccelli, 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. – 39.
Keenan, John F.	

NAYS – 0.

The yeas and nays having been completed at twelve minutes past three o'clock P.M., the amendment was adopted.

The pending Ways and Means amendment, as amended, was then adopted.

The Health Care Financing amendment was then adopted, as amended.

After remarks, the bill (Senate, No. 2273, amended) was then ordered to a third reading, read a third time and passed to

**be engrossed [For bill, printed as amended, see Senate, No. 2277].
Sent to the House for concurrence.**

Order Adopted.

On motion of Mr. DiDomenico,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow in a full formal session with a calendar.

On motion of Mr. Wolf, at fourteen minutes past three o'clock P.M., the Senate adjourned to meet again tomorrow at one o'clock P.M.