

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.

Wednesday, July 23, 2014.

Met at three minutes past two o'clock P.M. (Mr. Richard T. Moore in the Chair).

Distinguished Guests.

There being no objection, the Chair (Mr. Rosenberg) handed the gavel to Mr. Hedlund for the purpose of an introduction. Mr. Hedlund then introduced, in the rear of the Chamber, two selectmen from Scituate; John Danehy and Marty O'Toole. They were accompanied by Eric Dykeman and Brian Cadigan from the South Shore Chamber of Commerce. The group was on their first trip to the State House. The Senate welcomed them with applause and they withdrew from the Chamber. They were also guests of Representative Cantwell.

Communication.

Communication from the Department of Public Health relative to a plans of corrective action for M.C.I. Plymouth and OCCC Kitchen Core Services (received Tuesday, July 22, 2014),-- **was placed on file.**

Report.

Report of the Department of Public Health (under the provisions of Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspection of the Old Colony Correctional Center (received Tuesday, July 22, 2014),-- **was placed on file.**

Petition.

Mr. Donnelly presented a petition (subject to Joint Rule 12) of Kenneth J. Donnelly, William N. Brownsberger, Nick Collins and Jay Livingstone for legislation to create a special commission to study cutting, welding and hot work processes regulated by the State Fire Code,-- **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of a Committee.

By Mr. Lewis, for the committee on Public Service, on petition, a Bill to establish a sick leave bank for Denis Cassidy, an employee of the Department of Correction (Senate, No. 2260); and
By the same Senator, for the same committee, on petition, a Bill to establish a sick leave bank for Richard Bravoco, an employee of the Department of Correction (Senate, No. 2290);
Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

PAPER FROM THE HOUSE

A petition (accompanied by bill, House, No. 4336) of Brian R. Mannel and Cleon H. Turner (by vote of the town council) relative the maintenance of private roads in the city known as the town of Barnstable,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

A Bill relative to shellfish aquaculture license fees in the town of Fairhaven (House, No. 4127,-- on petition) [Local approval received];

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

There being no objection, at four minutes past two o'clock P.M., the Chair (Mr. Richard T. Moore) declared a recess, subject to the call of the Chair; and, at a quarter past 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.

PAPERS FROM THE HOUSE

Engrossed Bill—State Loan.

An engrossed Bill relative to the expansion of the Boston Convention and Exhibition Center (see House, No. 4308) (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 borrowing of money, in accordance with the provisions of Section 3 of Article LXII 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 sixteen minutes past two o'clock P.M., as follows to wit (yeas 31 - nays 7) **[Yeas and Nays No. 412]:**

YEAS.

| | |
|--------------------------|------------------------------|
| Barrett, Michael J. | Lewis, Jason M. |
| Brewer, Stephen M. | Lovely, Joan B. |
| Brownsberger, William N. | McGee, Thomas M. |
| Chandler, Harriette L. | Moore, Michael O. |
| Chang-Diaz, Sonia | Moore, Richard T. |
| Creem, Cynthia Stone | O'Connor Ives, Kathleen |
| DiDomenico, Sal N. | Pacheco, Marc R. |
| Donnelly, Kenneth J. | Petrucelli, Anthony |
| Donoghue, Eileen M. | Rodrigues, Michael J. |
| Downing, Benjamin B. | Rosenberg, Stanley C. |
| Finegold, Barry R. | Rush, Michael F. |
| Flanagan, Jennifer L. | Spilka, Karen E. |
| Forry, Linda Dorcena | Timilty, James E. |
| Joyce, Brian A. | Welch, James T. |
| Keenan, John F. | Wolf, Daniel A. — 31. |

Kennedy, Thomas P.

NAYS.

Eldridge, James B.

Montigny, Mark C.

Hedlund, Robert L.

Ross, Richard J.

Humason, Donald F., Jr.

Tarr, Bruce E. – 7.

Jehlen, Patricia D.

ABSENT OR NOT VOTING.

Candaras, Gale D. – 1.

The yeas and nays having been completed at nineteen minutes past two 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.

Engrossed Bill—Land Taking for Conservation Etc.

An engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain parcels of land in the town of Medfield (see House, No. 4216, 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 minutes past two o'clock P.M., as follows, to wit (yeas 38 - nays 0) [**Yeas and Nays No. 413**]:

YEAS.

Barrett, Michael J.

Kennedy, Thomas P.

Brewer, Stephen M.

Lewis, Jason M.

Brownsberger, William N.

Lovely, Joan B.

Chandler, Harriette L.

McGee, Thomas M.

Chang-Diaz, Sonia

Montigny, Mark C.

Creem, Cynthia Stone

Moore, Michael O.

DiDomenico, Sal N.

Moore, Richard T.

Donnelly, Kenneth J.

O'Connor Ives, Kathleen

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| Donoghue, Eileen M. | Pacheco, Marc R. |
| Downing, Benjamin B. | Petrucelli, Anthony |
| Eldridge, James B. | Rodrigues, Michael J. |
| Finegold, Barry R. | Rosenberg, Stanley C. |
| Flanagan, Jennifer L. | Ross, Richard J. |
| Forry, Linda Dorcena | Rush, Michael F. |
| Hedlund, Robert L. | Spilka, Karen E. |
| Humason, Donald F., Jr. | Tarr, Bruce E. |
| Jehlen, Patricia D. | Timilty, James E. |
| Joyce, Brian A. | Welch, James T. |
| Keenan, John F. | Wolf, Daniel A. – 38. |

NAYS – 0.

ABSENT OR NOT VOTING.

Candaras, Gale D. – 1.

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

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Thomas D. Tierney, an employee of the Highway Division of the Massachusetts Department of Transportation (see House, No. 4117, 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 Kimberly Desiata, an employee of the Department of State Police (see House, No. 4230), 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.

Report of a Committee.

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 improving notice requirements for self storage (Senate, No. 183) (the committee on Ethics and Rules recommending that the bill be amended by substituting a new draft with the same title, Senate, No. 2297).

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

The bill (Senate, No. 2297) was then ordered to a third reading, read a third time and, after remarks, was 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. 4343) of James R. Miceli relative to industrial wastewater discharged from dental facilities;

Under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 4344) of Randy Hunt that the Division of Capital Asset Management and Maintenance be authorized to transfer certain parcels of land in the towns of Bourne and Sandwich; and

Petition (accompanied by bill, House, No. 4345) of Byron Rushing for legislation to authorize the transfer of a certain parcel of land from the Department of Conservation and Recreation to the Boston Redevelopment Authority and the city of Boston;

Severally, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

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 establishing uniform wage compliance and record keeping (Senate, No. 858).

There being no objection, the rules were suspended, on motion of Mr. Eldridge, 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 twenty-eight minutes before three o'clock P.M., on motion of Mr. Eldridge, as follows, to wit (yeas 38 – nays 0) **[Yeas and Nays No. 414]:**

YEAS.

| | |
|--------------------------|-------------------------|
| Barrett, Michael J. | Kennedy, Thomas P. |
| Brewer, Stephen M. | Lewis, Jason M. |
| Brownsberger, William N. | Lovely, Joan B. |
| Chandler, Harriette L. | McGee, Thomas M. |
| Chang-Diaz, Sonia | Montigny, Mark C. |
| Creem, Cynthia Stone | Moore, Michael O. |
| DiDomenico, Sal N. | Moore, Richard T. |
| Donnelly, Kenneth J. | O'Connor Ives, Kathleen |
| Donoghue, Eileen M. | Pacheco, Marc R. |
| Downing, Benjamin B. | Petrucelli, Anthony |
| Eldridge, James B. | Rodrigues, Michael J. |

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| Finegold, Barry R. | Rosenberg, Stanley C. |
| Flanagan, Jennifer L. | Ross, Richard J. |
| Forry, Linda Dorcena | Rush, Michael F. |
| Hedlund, Robert L. | Spilka, Karen E. |
| Humason, Donald F., Jr. | Tarr, Bruce E. |
| Jehlen, Patricia D. | Timilty, James E. |
| Joyce, Brian A. | Welch, James T. |
| Keenan, John F. | Wolf, Daniel A. – 38. |

NAYS – 0.

ABSENT OR NOT VOTING.

Candaras, Gale D. – 1.

**The yeas and nays having been completed at twenty-five minutes before three 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 establishing a tax title collection revolving fund (Senate, No. 934) (the committee on Ethics and Rules recommending that the bill be amended by substituting a new draft with the same title, Senate, No. 2298).

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

The bill (Senate, No. 2298) was then 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 increasing the fine for the illegal taking of eels and elvers (House, No. 3782, amended).

There being no objection, the rules were suspended, on motion of Mr. Wolf, 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 twenty minutes before three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 38 – nays 0) **[Yeas and Nays No. 415]:**

YEAS.

| | |
|---------------------|--------------------|
| Barrett, Michael J. | Kennedy, Thomas P. |
| Brewer, Stephen M. | Lewis, Jason M. |

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| Brownsberger, William N. | Lovely, Joan B. |
| Chandler, Harriette L. | McGee, Thomas M. |
| Chang-Diaz, Sonia | Montigny, Mark C. |
| Creem, Cynthia Stone | Moore, Michael O. |
| DiDomenico, Sal N. | Moore, Richard T. |
| Donnelly, Kenneth J. | O'Connor Ives, Kathleen |
| Donoghue, Eileen M. | Pacheco, Marc R. |
| Downing, Benjamin B. | Petrucelli, Anthony |
| Eldridge, James B. | Rodrigues, Michael J. |
| Finegold, Barry R. | Rosenberg, Stanley C. |
| Flanagan, Jennifer L. | Ross, Richard J. |
| Forry, Linda Dorcena | Rush, Michael F. |
| Hedlund, Robert L. | Spilka, Karen E. |
| Humason, Donald F., Jr. | Tarr, Bruce E. |
| Jehlen, Patricia D. | Timilty, James E. |
| Joyce, Brian A. | Welch, James T. |
| Keenan, John F. | Wolf, Daniel A. – 38. |

NAYS – 0.

ABSENT OR NOT VOTING.

Candaras, Gale D. – **1.**

The yeas and nays having been completed at seventeen minutes before three o'clock P.M., the bill was passed to be engrossed, in concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill updating privacy protections for personal electronic information (Senate, No. 796),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2299).

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

amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2299) 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 eight minutes before three o'clock P.M., on motion of Ms. Spilka, as follows, to wit (yeas 38 – nays 0) **[Yeas and Nays No. 416]:**

YEAS.

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|--------------------------|-------------------------|
| Barrett, Michael J. | Kennedy, Thomas P. |
| Brewer, Stephen M. | Lewis, Jason M. |
| Brownsberger, William N. | Lovely, Joan B. |
| Chandler, Harriette L. | McGee, Thomas M. |
| Chang-Diaz, Sonia | Montigny, Mark C. |
| Creem, Cynthia Stone | Moore, Michael O. |
| DiDomenico, Sal N. | Moore, Richard T. |
| Donnelly, Kenneth J. | O'Connor Ives, Kathleen |
| Donoghue, Eileen M. | Pacheco, Marc R. |
| Downing, Benjamin B. | Petrucelli, Anthony |
| Eldridge, James B. | Rodrigues, Michael J. |
| Finegold, Barry R. | Rosenberg, Stanley C. |
| Flanagan, Jennifer L. | Ross, Richard J. |
| Forry, Linda Dorcena | Rush, Michael F. |
| Hedlund, Robert L. | Spilka, Karen E. |
| Humason, Donald F., Jr. | Tarr, Bruce E. |
| Jehlen, Patricia D. | Timilty, James E. |
| Joyce, Brian A. | Welch, James T. |
| Keenan, John F. | Wolf, Daniel A. – 38. |

NAYS – 0.

ABSENT OR NOT VOTING.

Candaras, Gale D. – 1.

The yeas and nays having been completed at five 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 House Bill promoting municipal collaboration and regionalization throughout the Commonwealth (House, No. 3822),-- ought to pass, with an amendment inserting after the word "constituted," in line 6, the following words:- "the Hampshire council of governments,".

There being no objection, the rules were suspended, on motion of Mr. Eldridge, 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 read a third time and, after remarks, was 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 House Bill establishing the Nantucket mosquito control project (House, No. 4035, amended),-- ought to pass.

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

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered as follows: The House Bill authorizing the reinstatement of Richard L. Cross as a reserve police officer in the town of Southwick (House, No. 3852),-- **was read a third time and passed to be engrossed, in concurrence.**

The Senate Bill relative to the acceptance of Paper Mill road as a public way in the city of Westfield (Senate, No. 2169) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The House Bill relative to the compensation of the Soldier's Memorial Commission in the city of Holyoke (House, No. 4247),-- **was read a third time and passed to be engrossed, in concurrence.**

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Authorizing the town of Ipswich to issue two additional licenses for the sale of all alcoholic beverages to be drunk on the premises (Senate, 2279);

Authorizing the licensing authority of the city of Woburn to issue additional licenses for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2280);

Providing for recall elections in the town of Hinsdale (House, No. 4064); and

Authorizing the city of Boston to issue additional licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 4099, changed);

Were severally read a second time and ordered to a third reading.

The House Bill relative to campaign finance disclosure and transparency (House, No. 4226),-- was considered, the main question being on ordering it to a third reading.

Pending the question on adoption of the pending Ethics and Rules new text several amendments were considered.

Mr. Finegold moved to amend the proposed new text in section 26, by striking out, in line 385, the figure "\$10" and inserting in place thereof the following figure:- "\$25"; in section 28, by striking out, in line 399, the word "director" and inserting in place thereof, in each instance, the following words:- "city or town clerk"; and in section 29, by inserting after the figure "11" the following figure:- "14".

The amendment was adopted.

Mr. Kennedy moved to amend the proposed new text by inserting after section __, the following new section:-

"SECTION __. Notwithstanding any general or special law to the contrary, for the state primaries scheduled for September 9, 2014 and the state election scheduled for November 4, 2014, the state secretary may, as the state secretary considers necessary for the orderly administration of these elections, prepare or contract to prepare separate bilingual translated and transliterated ballots including all offices and questions to be presented to voters where state or federal law so requires, including printing

regional school district offices and candidates on separate ballots or in a different ballot order than set by current law. Further the state secretary may, for the orderly administration of these elections, forgo any review period or request for substitution of transliterated names.”

The amendment was adopted.

Mr. Downing moved to amend the proposed new text in section 26, by striking out lines 337 to 347 inclusive, and inserting in place thereof the following:-

"(b) A candidate and the treasurer of a political committee required to designate a depository shall deposit contributions in the form received within 7 days of receipt. Any candidate or treasurer required to designate a depository shall file with the director, by the fifth and twentieth day of each month, the following information: (1) a list of all contributions of more than \$50 deposited as of the first and fifteenth day of the month and since the last such statement, including an alphabetical list of names and addresses of all the names and addresses of each person making such contributions; (2) for a person who has made a contribution in an amount or value of \$200 or more in any calendar year, the occupation and employer of the contributor, and such information for each contribution of less than \$200, if the aggregate of all contributions received from such contributor within any calendar year is \$200 or more, and (3) a summary of all contributions of \$50 or less deposited that are not itemized on the report. During the last six months of an election year in which a candidate's name appears on the ballot, the information required by subsections (1), (2) and (3) shall be filed by the candidate or candidate's committee with the director within 72 hours of each deposit."

The amendment was adopted.

Mr. Tarr, Ms. Candaras and Mr. Ross moved to amend the proposed new text by inserting after section 12 the following section:-
“SECTION . Section 7A of said chapter 55, as so appearing, is hereby amended by inserting after clause (c) the following new subsection:-

(d) If not otherwise limited by the provisions of section 6 or prohibited from making contributions under this chapter, the aggregate of all contributions by any group, association, labor union or other entity for the benefit of any one candidate and such candidate's committee, or any other political committee, other than a ballot question committee, shall not exceed \$1,000 in a calendar year."

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), after debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-seven minutes past four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 10 – nays 28) [**Yeas and Nays No. 417**]:

YEAS.

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| Barrett, Michael J. | Lovely, Joan B. |
| Brownsberger, William N. | Montigny, Mark C. |
| Hedlund, Robert L. | Rodrigues, Michael J. |
| Humason, Donald F., Jr. | Ross, Richard J. |
| Lewis, Jason M. | Tarr, Bruce E. – 10. |

NAYS.

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|------------------------|--------------------|
| Brewer, Stephen M. | Keenan, John F. |
| Chandler, Harriette L. | Kennedy, Thomas P. |
| Chang-Diaz, Sonia | McGee, Thomas M. |
| Creem, Cynthia Stone | Moore, Michael O. |

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| DiDomenico, Sal N. | Moore, Richard T. |
| Donnelly, Kenneth J. | O'Connor Ives, Kathleen |
| Donoghue, Eileen M. | Pacheco, Marc R. |
| Downing, Benjamin B. | Petrucelli, Anthony |
| Eldridge, James B. | Rosenberg, Stanley C. |
| Finegold, Barry R. | Rush, Michael F. |
| Flanagan, Jennifer L. | Spilka, Karen E. |
| Forry, Linda Dorcena | Timilty, James E. |
| Jehlen, Patricia D. | Welch, James T. |
| Joyce, Brian A. | Wolf, Daniel A. – 28. |

ABSENT OR NOT VOTING.

Candaras, Gale D. – 1.

The yeas and nays having been completed at a half past four o'clock P.M., the amendment was *rejected*.

Messrs. Barrett and Lewis moved to amend the proposed new text in section 2, by inserting after the word "communications", in line 23, the following words:- "that are not sent via a paid email service provider or email marketing service provider".

After remarks, the amendment was adopted.

Messrs. Tarr and Ross moved to amend the proposed new text in section 23, in line 268, by inserting after the word "state" the following word:- "party".

After remarks, the amendment was adopted.

Messrs. Tarr and Ross moved to amend the proposed new text by inserting after section 28, the following section:-

"SECTION 28A. The office of campaign and political finance shall conduct a study of campaign contributions and the feasibility and merits of applying limits on such contributions for each election rather than per calendar year. The study shall consider contributions issues including, but not limited to: (i) an analysis of how campaign contribution limits are applied in other states; (ii) an analysis of how campaign contribution limits are applied under federal law; and (iii) whether changes to the general laws or regulations are needed. The study shall be conducted in consultation with any other agency or office as the director of campaign and political finance considers appropriate. The director shall report on the findings of the study, along with any drafts of recommended legislation, to the clerks of the senate and the house of representatives and the house and senate chairs of the joint committee on election laws by January 1, 2015."

After remarks, the amendment was adopted.

Mr. Tarr moved to amend the proposed new text by striking section 13 in its entirety and inserting in place thereof the following:-

"SECTION 13. Chapter 55 is hereby amended by striking out section 8, as so appearing and inserting in place thereof the following:-

Section 8. No group, association, labor union, corporation or other entity carrying on the business of a bank, trust, surety indemnity, safe deposit, insurance, railroad, street railway, telegraph, telephone, gas, electric light, heat, power, canal, aqueduct, or water company, no company having the right to take land by eminent domain or to exercise franchises in public ways, granted by the commonwealth or by any country, city or town, no trustee or trustees owning or holding the majority of the stock of such a union under the laws of or doing business in the commonwealth and no officer or agent acting in behalf of any union mentioned in this section, shall directly or indirectly give, pay, expend or contribute, or promise to give, pay, expend or contribute, any money or other valuable thing for the purpose of aiding, promoting or preventing the nomination or election of any person to

public office, or aiding or promoting or antagonizing the interest of any political party.

No person or persons, no political committee, and no person acting under the authority of a political committee, or in its behalf, other than a political committee organized on behalf of a ballot question campaign shall solicit or receive from such group, association, labor union, corporation or other entity or such holders of stock any gift, payment, expenditure, contribution or promise to give, pay, expend or contribute for any such purpose.

Any group, association, labor union, corporation or other entity violating any provision of this section shall be punished by a fine of not more than fifty thousand dollars and any officer, director or agent of the corporation, group, association, labor union, or other entity violating any provision thereof or authorizing such violation of any provision thereof, or any person who violates or in any way knowingly aids or abets the violation thereof, shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than one year, or both.”

The amendment was *rejected*.

Ms. Creem moved to amend the proposed new text by inserting after section 18, the following section:-

“SECTION 18A. Said section 18 of said chapter 55, as so appearing, is hereby further amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) by each candidate for nomination or election to the state senate or house of representatives, and by the non-elected political committee organized on behalf of such candidate, on or before: (i) July 20 preceding a biennial state election; (ii) the eighth day preceding a primary, the eighth day preceding a biennial state election and, as a final report, January 20 in the following year complete as to December 31 of the prior year; (iii) the thirty-fifth day preceding a special primary, including a convention or a caucus, the eighth day preceding a special primary, including a convention or a caucus, the eighth day preceding a special election, the thirtieth day following a special election and, as a final report, January 20 in the following year complete as to December 31 of the prior year.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty minutes before five o'clock P.M., on motion of Ms. Creem, as follows, to wit (yeas 38 – nays 0) **[Yeas and Nays No. 418]:**

YEAS.

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| Barrett, Michael J. | Kennedy, Thomas P. |
| Brewer, Stephen M. | Lewis, Jason M. |
| Brownsberger, William N. | Lovely, Joan B. |
| Chandler, Harriette L. | McGee, Thomas M. |
| Chang-Diaz, Sonia | Montigny, Mark C. |
| Creem, Cynthia Stone | Moore, Michael O. |
| DiDomenico, Sal N. | Moore, Richard T. |
| Donnelly, Kenneth J. | O'Connor Ives, Kathleen |
| Donoghue, Eileen M. | Pacheco, Marc R. |
| Downing, Benjamin B. | Petrucelli, Anthony |
| Eldridge, James B. | Rodrigues, Michael J. |
| Finegold, Barry R. | Rosenberg, Stanley C. |

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| Flanagan, Jennifer L. | Ross, Richard J. |
| Forry, Linda Dorcena | Rush, Michael F. |
| Hedlund, Robert L. | Spilka, Karen E. |
| Humason, Donald F., Jr. | Tarr, Bruce E. |
| Jehlen, Patricia D. | Timilty, James E. |
| Joyce, Brian A. | Welch, James T. |
| Keenan, John F. | Wolf, Daniel A. – 38. |

NAYS – 0.

ABSENT OR NOT VOTING.

Candaras, Gale D. – **1.**

The yeas and nays having been completed at a sixteen minutes before five o'clock P.M., the amendment was adopted.

Mr. Hedlund moved to amend the proposed new text by striking section 1.

The amendment was *rejected*.

Messrs. Tarr, Brownsberger and Montigny moved to amend the proposed new text in section 25 in the first paragraph of Section 18G of chapter 55 by striking out the third sentence and in inserting in place thereof the following sentence:- "The advertisement or communication shall also include a written statement at the bottom of the advertisement that states 'For a complete list of persons or entities that made contributions to the sponsor of this message, go to the official website of the office of campaign and political finance.'"

After remarks, the amendment was adopted.

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

The bill, as amended, was then ordered to a third reading and read a third time.

Pending the question on passing the bill to be engrossed, Mr. Finegold moved that the bill be amended by 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 strengthen forthwith campaign finance reporting and disclosure requirements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendment was adopted.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at fourteen minutes past five o'clock P.M., on motion of Mr. Finegold, as follows, to wit (yeas 38 – nays 0) [**Yeas and Nays No. 419**]:

YEAS.

| | |
|--------------------------|--------------------|
| Barrett, Michael J. | Kennedy, Thomas P. |
| Brewer, Stephen M. | Lewis, Jason M. |
| Brownsberger, William N. | Lovely, Joan B. |

| | |
|-------------------------|-------------------------|
| Chandler, Harriette L. | McGee, Thomas M. |
| Chang-Diaz, Sonia | Montigny, Mark C. |
| Creem, Cynthia Stone | Moore, Michael O. |
| DiDomenico, Sal N. | Moore, Richard T. |
| Donnelly, Kenneth J. | O'Connor Ives, Kathleen |
| Donoghue, Eileen M. | Pacheco, Marc R. |
| Downing, Benjamin B. | Petrucelli, Anthony |
| Eldridge, James B. | Rodrigues, Michael J. |
| Finegold, Barry R. | Rosenberg, Stanley C. |
| Flanagan, Jennifer L. | Ross, Richard J. |
| Forry, Linda Dorcena | Rush, Michael F. |
| Hedlund, Robert L. | Spilka, Karen E. |
| Humason, Donald F., Jr. | Tarr, Bruce E. |
| Jehlen, Patricia D. | Timilty, James E. |
| Joyce, Brian A. | Welch, James T. |
| Keenan, John F. | Wolf, Daniel A. – 38. |

NAYS – 0.

ABSENT OR NOT VOTING.

Candaras, Gale D. – 1.

The yeas and nays having been completed at seventeen minutes past five o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments [For text of Senate amendment, see Senate, No. 2304]. Sent to the House for concurrence in the amendments.

PAPERS FROM THE HOUSE

Order Adopted.

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

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on State Administration and Regulatory Oversight be granted until Thursday, July 31, 2014, within which time to make its final report on current House documents numbered 2837, 3917, and 4051.

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

Engrossed Bills.

The following engrossed bills (both 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 Acting President (Mr. Rosenberg) and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Thomas D. Tierney, an employee of the Highway Division of the Massachusetts Department of Transportation (see House, No. 4117, amended); and

Establishing a sick leave bank for Kimberly Desiata, an employee of the Department of State Police (see House, No. 4230).

Moment of Silence.

At the request of the Chair (Mr. Rosenberg), the members, guests and staff stood in a moment of silence and reflection to the memory of former Senator Robert A. Havern III.

Recess.

There being no objection, at twenty-six minutes before six o'clock P.M., the Chair (Mr. Rosenberg) declared a recess, subject to the call of the Chair; and, at six minutes before six o'clock P.M., the Senate reassembled, Mr. Rosenberg in the Chair.

Report of a Committee of Conference

Mr. Brewer, for the committee of conference, to whom was referred the matters of difference between the two branches with reference to the House amendments to the Senate Bill further regulating mercury management (Senate, No. 1758) (amended by the House by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 3601, amended),-- reports, a "Bill to further regulating mercury management." (Senate, No. 2303).

**The rules were suspended, on motion of Mr. Pacheco, and the report was considered forthwith and accepted.
Sent to the House for concurrence in the report of the committee of conference.**

Order Adopted.

On motion of Mr. Tarr,-- *Ordered*, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M., in a full formal session with a calendar.

Adjourn In Memory of Robert A. Havern III

The Senator from Middlesex, Mr. Donnelly, moved that when the Senate adjourns today, it do so in memory of former Senator Robert A. Havern III.

Born in Arlington and a lifelong resident, Bob was the oldest of five children and the only boy. He was a star hockey player at Arlington High School before playing at Harvard University, from which he graduated in 1972.

After Harvard, Bob graduated from Suffolk University Law School and started a private practice in Arlington. He soon married Maureen C. Crane, his wife of 39 years and had two sons, Timothy and Ned. In addition to his wife Maureen and sons, he is survived by his four sisters, Nancy Leahy, Kate Boyle, Cynthia Bouvier and Laura Hegarty.

In the late 1970s, Bob was elected to the Arlington Board of Selectmen, on which he served as chairman.

He then proudly served as a state representative for four years before being elected to the Senate in 1991. He spent 16 years in this chamber thoughtfully representing the people of the Fourth Middlesex District before he left in 2007 to become president of government relations for ML Strategies.

Those who were lucky enough to call him a colleague know that Bob was a respected and persistent progressive voice in the Senate. He was a key supporter of gay and lesbian rights from the moment he was elected to the Legislature.

He used friendly demeanor and unparalleled wit and humor in order to pare down complex debates, most notably for LGBT issues that came before the Senate. Much of that work was behind the scenes and out of the limelight but he was noted for "single-handedly garnering one half of the votes needed on LGBT issues in the '80s, the '90s."

Although Bob's wife, Maureen, noted that "gay marriage was probably his most public moment of pride" during his State House years, he had a hand in a range of legislation during more than two decades as a state representative and state senator. He served as assistant majority whip in the Senate and as chairman of the Joint Committee on Transportation.

For all of his countless contributions to this body, Bob will be greatly missed by all those he touched in the community of Arlington and beyond.

Most of all, he will be remembered for his larger-than-life personality and as a devoted husband and father, a cherished brother and a loyal friend.

Accordingly, as a mark of respect in memory of Robert A. Havern III, at five minutes before six o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again tomorrow at one o'clock P.M.
