

**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.

Tuesday, July 29, 2014.

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

#### *Distinguished Guests.*

There being no objection, the President handed the gavel to Mr. Rush for the purpose of an introduction. Mr. Rush then introduced, in the rear of the Chamber, US Navy Lieutenant Commander Jeremy Hankins. Commander Hankins was recognized for having served in Iraq during Mr. Rush's deployment as the Senior Targeting Advisor to the Iraqi Counterterrorism Service. He is the recipient of the Bronze Star, the Joint Commendation Medal, two Navy Commendation Medals and two Navy Achievement Medals. He is currently on an exchange tour with the Royal Canadian Air Force flying the CP140 Aurora. The Senate thanked him for his service to our country and he withdrew from the Chamber. He was accompanied by his wife, Wendy and two children, Audrey and Collin.

#### *Petitions.*

Petitions were severally presented and referred as follows:

By Ms. Lovely, a petition (accompanied by bill, Senate, No. 2314) of Joan B. Lovely, Leah Cole and Theodore C. Speliotis (with the approval of the mayor and city council) for legislation to authorize an ordinance amending chapter 11, article II, division 2 entitled "City Treasurer" of the city code of the city of Peabody [Local approval received];

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

By Ms. Spilka, a petition (subject to Joint Rule 12) of Karen E. Spilka and Jeffrey N. Roy for legislation to establish a sick leave bank for Timothy Maxfield, an employee of the Department of Mental Health;

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

#### *Reports of Committees.*

By Mr. Kennedy, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill to adjust the number of racing days at Suffolk Downs (Senate, No. 2289); and

By Mr. Lewis, for the committee on Public Service, on petition, a Bill to establish a sick leave bank for Cary Crossman, an employee of the Department of Transportation (Senate, No. 2301);

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

By Mr. Finegold, for the committee on Election Laws, on petition, a Bill relative to a vote in the Berkshire Hills Regional School District (Senate, No. 2302);

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

By Mr. Lewis, for the committee on Public Service, on petition, a Bill to exempt the position of police chief of the town of Rockport from the civil service law (Senate, No. 2147) [Local approval received];

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

#### PAPERS FROM THE HOUSE

A petition (accompanied by bill, House, No. 4361) of F. Jay Barrows (by vote of the town) that the town of Mansfield be authorized to grant two additional licenses for the sale of all alcoholic beverages to be drunk on the premises,-- **was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.**

#### Bills

Conveying a certain parcel of land in the city Marlborough (House, No. 3891,-- on petition);

Relative to preserving a memorial to landing ship tanks in the town of Hingham (House, No. 4232,-- on petition);

Authorizing the department of capital asset management and maintenance to lease certain land in the town of Hull to The Friends of the Paragon Carousel, Inc. (House, No. 4338,-- on House, No. 3320); and

Authorizing the commissioner of capital asset management and maintenance to convey certain parcels of land in the city of Waltham (House, No. 4358,-- on House, No. 4252);

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

#### Bills

Providing equitable treatment for post-acute care hospitals (Senate, No. 1080 and House, No. 1986); and

Relative to a certain parcel of land in the Charlestown neighborhood of the city of Boston (House, No. 3879,-- on petition);

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

#### Bills

Authorizing the conveyance of certain parcels of land by the Town of Nantucket to the Nantucket Islands Land Bank (House, No. 4101,-- on petition) [Local approval received];

Authorizing the conveyance of a certain parcel of land by the country of Nantucket (House, No. 4103,-- on petition) [Local approval received]; and

Relative to parking ticket fines in the town of Wellfleet (House, No. 4175,-- on petition) [Local approval received];

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

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 ten minutes before 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.

#### PAPER FROM THE HOUSE.

The House Bill providing for capital facility repairs and improvements for the Commonwealth (House, No. 3933 amended),-- came from the House with the endorsement that the House had concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2197, printed as amended) with a further amendment striking out all after the enacting clause, inserted by amendment by the Senate, and inserting in place thereof the text contained in House document numbered 4362.

**Senate Rule 36 was suspended, on motion of Mr. Brewer, and the Senate concurred in the further House amendment.**

A petition (accompanied by bill, House, No. 4364) establishing a sick leave bank for Tammy S. Storey, an employee of the Department of Developmental Services,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

#### *Emergency Preamble Adopted.*

An engrossed Bill to promote public safety and protect access to reproductive health care facilities (see Senate, No. 2283, 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.**

#### *Engrossed Bills.*

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

Relative to title protection (see House, No. 175, amended);

Relative to a conservation restriction in the town of Stow (see House, No. 3474, amended); and  
Exempting the position of Deputy Chief of Police in the town of Natick from the civil service law (see House, No. 3552).

An engrossed Bill validating the actions taken at the annual town election held by the town of Warren (see House Bill, printed in House, No. 4183) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage was passed to be enacted, two-thirds of the members present having voted in the affirmative, and signed by the President and laid before the Governor for his approbation.**

*Engrossed Bill — Land Taking for Conservation Etc.*

An engrossed Bill authorizing the town of Plymouth to exchange a parcel of land held for water purposes for a parcel of land in the town of Plymouth (see House, No. 3960) (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 five minutes before two o'clock P.M., as follows, to wit (yeas 40 - nays 0) **[Yeas and Nays No. 423]:**

**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.	Murray, Therese
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. – 40.

**NAYS – 0.**

**The yeas and nays having been completed at one minute 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.**

*Orders of the Day.*

The Orders of the Day were considered as follows: The House Bill relative to Shellfish Aquaculture license fees in the town of Fairhaven (House, No. 4127),-- **was read 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 Senate Bill to clarify chapter 183A of the General Laws (Senate, No. 602, changed).

**There being no objection, the rules were suspended, on motion of Mr. Joyce, 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 Senate Bill to clarify condominium priority liens (Senate, No. 603) (the committee on Ethics and Rules recommending that the bill be amended by substituting a new draft with the same title, Senate, No. 2316).

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

**The bill (Senate, No. 2316) was then ordered to a third reading, read a third time and 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 relative to protecting against the transmission of Pertussis (Senate, No. 1093) (the committee on Health Care Financing having recommending that the bill be amended by striking out in line 3, "Section 226" and inserting in place thereof the following, "Section 230").

**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 Health Care Financing.**

**The bill (Senate, No. 1093, amended) 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 Senate Bill further regulating tanning facilities (Senate, No. 1904).

**There being no objection, the rules were suspended, on motion of Mr. Timilty, 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 Senate Bill establishing a special commission to identify, preserve and commemorate historic roadways in Massachusetts (Senate, No. 2112) (the committee on Ethics and Rules recommending that the bill be amended by substituting a resolve with the same title, Senate, No. 2319).

**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 Ethics and Rules.**

**The resolve (Senate, No. 2319) 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.**

By Mr. Rosenberg, for the committee on Ethics and Rules, on Senate, No. 1992, reported, in part, a “Bill relative to manufactured housing communities” (Senate, No. 2318); and that the matter be placed in the Orders of the Day for the next session:

**The bill was read. There being no objection, the rules were suspended, on motion of Mr. Pacheco, and the bill 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.**

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 potluck events (House, No. 3680).

**There being no objection, the rules were suspended, on motion of Mr. Timilty, 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, 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 designating the Essex Probate and Family Court as the Thaddeus Buczko Building (House, No. 4124, amended). There being no objection, the rules were suspended, on motion of Ms. Lovely, 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-four minutes past two o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 39 – nays 0) **[Yeas and Nays No. 424]:**

#### 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.	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. – 39.
Keenan, John F.	

**NAYS – 0.**

**The yeas and nays having been completed at twenty-seven minutes past two o'clock P.M., the bill was passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act designating the Essex Probate and Family Court as the Thaddeus M. Buczek Building".**

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 validating the actions taken at the annual town election in the town of Dudley (printed in House, No. 4257).

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

#### PAPERS FROM THE HOUSE

##### *Engrossed Bill.*

An engrossed Bill to promote public safety and protect access to reproductive health care facilities (see Senate, No. 2283) (which originated in the Senate), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the President and laid before the Governor for his approbation.**

##### *Committee of Conference Report.*

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill financing information technology equipment and related projects (House, No. 3770, amended) (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2230) recommending the accompanying bill (House, No. 4355), -- came from the House, and was read.

**The rules were suspended, on motion of Mr. Joyce, and the report was forthwith and accepted, in concurrence.**

##### *Reports of Committees.*

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill improving the children's medical security program and simplifying the administration process (Senate, No. 504),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2320).

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

**The bill (Senate, No. 2320) 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.**

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to sheriffs (Senate, No. 1155),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2322).

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 Ways and Means.

The bill (Senate, No. 2322) 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 before three o'clock P.M., on motion of Mr. Ross, as follows, to wit (yeas 39 – nays 0) **[Yeas and Nays No. 425]:**

**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.	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. – 39.

Keenan, John F.

**NAYS – 0.**

**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 Senate Bill establishing a sick leave bank for Jose Portalatin, an employee of the Department of Correction (Senate, No. 2221),-- ought to pass.

**There being no objection, the rules were suspended, on motion of Mr. Richard T. Moore, and the bill 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.**

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Anita Rebello, an employee of the Department of Children and Families (House, No. 4268, amended),-- ought to pass.

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

*Recess.*

At two minutes before three o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at one minute past five o'clock P.M., the Senate reassembled, the President in the Chair.

*Matter Taken Out of the Orders of the Day.*

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

The House Bill directing the Commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land to the Salem Redevelopment Authority (House, No. 2838) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Lovely moved that the bill be amended in section 1, by inserting after the word "shall", in line 4, the following words:- " , upon the approval of the Salem Redevelopment Authority,"; and by striking out section 3 and inserting in place thereof the following section:-

"SECTION 3. The Salem Redevelopment Authority shall bear all costs, if any, for the transactions authorized in this act including, but not limited to, all costs for legal work, survey, title and preparation of plans and specifications; provided, however, that any costs and expenses incurred by the Salem Redevelopment Authority to sell the property shall be paid from the gross proceeds of the sale."; and 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 authorize forthwith the conveyance of a certain parcel of state-owned land in the city of Salem, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

**The amendment was adopted.**

**The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.**

**Sent to the House for concurrence in the amendment.**

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, as follows:

Ordered, that notwithstanding the provisions of Joint Rule 10, Children, Families and Persons with Disabilities be granted until Thursday, July 31, 2014, within which time to make its final report on current Senate document numbered 27, and House document numbered 85.

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



The House Bill relative to local housing authorities (House, No. 4316),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document number 2310) and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Honan of Boston, Fox of Boston and Wong of Saugus have been appointed the committee on the part of the House.

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

**The bill was returned to the House endorsed accordingly.**

*Emergency Preambles Adopted.*

An engrossed Bill financing information technology equipment and related projects (see House, No. 4355), 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 providing for capital facility repairs and improvements for the Commonwealth (see House, No. 3933, published as 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 10 to 0.

**The bill was signed by the President and sent to the House for enactment.**

An engrossed Bill designating the Essex Probate and Family Court as the Thaddeus M. Buczko Building (see House, No. 4124, 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 17 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 Anita Rebello, an employee of the Department of Children and Families (see House, No. 4268, 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 17 to 0.

**The bill was signed by the President and sent to the House for enactment.**

*Engrossed Bill.*

An engrossed Bill relative to potluck events (see House, No. 3680) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the President and laid before the Governor for his approbation.

*Message from the Governor — Disapprovals and Reductions*

*General Appropriations Bill.*

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed 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 (see House, No. 4001), which on Tuesday, July 1, 2014, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4300) was read; and the Senate proceeded to reconsider several items, which had been disapproved or reduced in accordance with the provisions of the Constitution.

Section 134 (Increased Trafficking Penalties) was considered as follows:

SECTION 134. Section 32E of said chapter 94C, as so appearing, is hereby amended by striking out, in line 88 and 95, the figure “20” and inserting in place thereof, in each instance, the following figure:-30.

The Governor disapproved this section.

After remarks, the question on passing section 134, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at ten minutes past five o'clock P.M., as follows, to wit (yeas 35 — nays 5) **[Yeas and Nays No. 426]:**

#### YEAS.

Brewer, Stephen M.	McGee, Thomas M.
Candaras, Gale D.	Montigny, Mark C.
Chandler, Harriette L.	Moore, Michael O.
Chang-Diaz, Sonia	Moore, Richard T.
DiDomenico, Sal N.	Murray, Therese
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Petrucelli, Anthony
Finegold, Barry R.	Rodrigues, Michael J.
Flanagan, Jennifer L.	Rosenberg, Stanley C.
Forry, Linda Dorcena	Ross, Richard J.
Hedlund, Robert L.	Rush, Michael F.
Humason, Donald F., Jr.	Spilka, Karen E.
Joyce, Brian A.	Tarr, Bruce E.
Keenan, John F.	Timilty, James E.
Kennedy, Thomas P.	Welch, James T.
Lewis, Jason M.	Wolf, Daniel A. – <b>35.</b>
Lovely, Joan B.	

#### NAYS.

Barrett, Michael J.	Eldridge, James B.
Brownsberger, William N.	Jehlen, Patricia D. – <b>5.</b>

Creem, Cynthia Stone

**The yeas and nays having been completed at a quarter past five o'clock P.M., section 134 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

Section 193 (Medicaid Reimbursement Rates ) was considered as follows:

SECTION 193. Section 271 of chapter 224 of the acts of 2012 is hereby amended by striking out the words "fiscal year 2015 and fiscal year 2016" and inserting in place thereof the following words:- fiscal years 2015 to 2021, inclusive.

The Governor disapproved this section.

After remarks, the question on passing section 193, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at seventeen minutes past five o'clock P.M., as follows, to wit (yeas 40 — nays 0) **[Yeas and Nays No. 427]:**

**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.	Murray, Therese
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. – 40.

**NAYS – 0.**

**The yeas and nays having been completed at a twenty minutes past five o'clock P.M., section 193 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

Section 214 (Department of Correction Procurement) was considered as follows:

SECTION 214. Notwithstanding any general or special law to the contrary, the department of correction shall procure food and commissary services provided at all institutions with a contract to decrease expenses and increase efficiencies throughout the department. The department shall solicit new bids for such services and procurements shall be subject to an open and competitive bid process. The department of correction shall file a report with the house and senate committees on ways and means on the procurement progress and projected cost-savings on or before January 15, 2015. In executing the procurement of such services, the department shall notify each county sheriff who may elect to participate in the procurement of such services.

The Governor disapproved this section.

After remarks, the question on passing section 214, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-one minutes past five o'clock P.M., as follows, to wit (yeas 39 - nays 0) **[Yeas and Nays No. 428]:**

**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.	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. – 39.
Keenan, John F.	

**NAYS – 0.**

**The yeas and nays having been completed at a twenty-four minutes past five o'clock P.M., section 214 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

Item 1599-0026 (Municipal Regionalization Reserve) was considered as follows:

1599-0026. For a reserve for 1-time grants to support municipal improvements; provided, that not less than \$2,800,000 shall be expended to fund the District Local Technical Assistance Fund, established in section 2XXX of chapter 29 of the General Laws, including projects that encourage regionalization, to be administered by the division of local services and distributed through the District Local Technical Assistance Fund; provided further, that \$20,000 shall be expended to the Cape Cod Mosquito Control Project to conduct a study to determine a basis for separation from the State Reclamation Board to an independent agency on Cape Cod; provided further, that not less than \$120,000 shall be granted to the town of Canton; provided further, that not less than \$500,000 shall be expended to mitigate student overcrowding in the city of Haverhill; provided further, that not less than \$240,000 shall be expended for a one-time grant to the city of Quincy; provided further, that \$100,000 shall be expended for the costs associated with the technological upgrades for the Westford public school district; provided further, that not less than \$3,000,000 shall be expended for a multi-year competitive grant program to provide financial support for 1-time or transition costs related to regionalization and other efficiency initiatives, with allowable applicants to include municipalities, regional school districts, school districts considering forming a regional school district or regionalizing services, regional planning agencies and councils of governments; provided further, that funds may be expended by the Edward J. Collins, Jr. Center for Public Management at the University of Massachusetts at Boston's John W. McCormack Graduate School of Policy and Global Studies to develop and effectuate a program of performance management, accountability and transparency for local governments; provided further, that funds may be expended to expand programs that received funding from this item in prior fiscal years and on programs with proven replicable outcomes for municipalities; provided further, that the executive office for administration and finance shall submit a report to the house and senate committees on ways and means not later than March 13, 2015 on: (i) results to date of grants awarded in fiscal year 2015 and in prior fiscal years; and (ii) replicable outcome measures for projects awarded to date; provided further, that \$4,250,000 shall be transferred to the executive office of public safety and security for a competitive grant program for public safety and emergency staffing to be administered by that executive office; provided further, that the grants shall be awarded to communities that: (A) have populations of at least 60,000; and (B) demonstrate that their police departments had an operating budget per capita of less than \$200 in 2010; provided further, that each state entity

administering grant funds through this item shall submit a report to the house and senate committees on ways and means, not later than February 13, 2015, detailing grants awarded through this item and the criteria used for distribution; provided further, that \$75,000 shall be expended for the restoration of the one room school house in the town of Petersham; provided further, that not less than \$325,000 shall be expended for the restoration of Perry Auditorium at Gardner City Hall; provided further, that \$300,000 shall be expended to reimburse the town of Milton for funds expended pursuant to chapter 349 of the acts of 2010; provided further, that \$250,000 shall be expended for the restoration, renovation, improvement and expansion of critical historical, educational and community resources in the historic Easton town center; provided further, that not less than \$200,000 shall be expended for the Mother Brook Arts and Community Center in the town of Dedham; provided further, that \$750,000 shall be expended as a 1-time grant to the city of North Adams to backfill forgone payments in lieu of taxes, sewer, water and other fees not paid by Northern Berkshire Healthcare, Inc. and for other extraordinary costs related to the closure of a certain hospital in the town of North Adams; provided further, that \$100,000 shall be expended to the police department of the town of Plymouth for the creation of a street crime unit with the mission of disrupting and dismantling street level drug trade, open air drug dealing and distribution and crimes related to the use or trade of illegal drugs in the town of Plymouth and surrounding communities; provided further, that \$40,000 shall be expended for the police department of the town of Barnstable to continue a street crime unit with the mission of disrupting and dismantling street level drug trade, open air drug dealing and distribution and crimes related to the use or trade of illegal drugs in the town of Barnstable and surrounding communities; and provided further, that not less than \$170,000 shall be expended to the town of Plymouth for revising and updating its Radiological Response and Recovery Plan ..... \$13,240,000.

The Governor reduced this item by \$2,365,000 and struck the following wording “; provided further, that \$20,000 shall be expended to the Cape Cod Mosquito Control Project to conduct a study to determine a basis for separation from the state reclamation board to an independent agency on Cape Cod; provided further, that not less than \$120,000 shall be granted to the town of Canton; provided further, that not less than \$500,000 shall be expended to mitigate student overcrowding in the city of Haverhill; provided further, that not less than \$240,000 shall be expended for a 1-time grant to the city of Quincy; provided further, that \$100,000 shall be expended for the costs associated with the technological upgrades for the Westford public school district” and “; provided further, that not less than \$325,000 shall be expended for the restoration of Perry Auditorium at Gardner City Hall; provided further, that \$300,000 shall be expended to reimburse the town of Milton for funds expended pursuant to chapter 349 of the acts of 2010; provided further, that \$250,000 shall be expended for the restoration, renovation, improvement and expansion of critical historical, educational and community resources in the historic Easton town center; provided further, that not less than \$200,000 shall be expended for the Mother Brook Arts and Community Center in the town of Dedham” and “; provided further, that \$100,000 shall be expended to the police department of the town of Plymouth for the creation of a street crime unit with the mission of disrupting and dismantling street level drug trade, open air drug dealing and distribution and crimes related to the use or trade of illegal drugs in the town of Plymouth and surrounding communities; provided further, that \$40,000 shall be expended for the police department of the town of Barnstable to continue a street crime unit with the mission of disrupting and dismantling street level drug trade, open air drug dealing and distribution and crimes related to the use or trade of illegal drugs in the town of Barnstable and surrounding communities; and provided further, that not less than \$170,000 shall be expended to the town of Plymouth for revising and updating its Radiological Response and Recovery Plan”.

After remarks, the question on passing item 1599-0026, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-seven minutes past five o'clock P.M., as follows, to wit (yeas 40 - nays 0) [Yeas and Nays No. 429]:

#### 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.	Murray, Therese
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. – 40.

**NAYS – 0.**

**The yeas and nays having been completed at twenty-nine minutes past five o'clock P.M., item 1599-0026, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

Item 2800-0700 (Dam Regulatory Office) was considered as follows:

2810-0700. For the office of dam safety; provided, that the department shall, in collaboration with the department of environmental protection and the department of fish and game, establish and maintain a comprehensive inventory of all dams and develop a coordinated permitting and regulatory approach to dam removal for stream restoration and public safety; provided further, that not less than \$22,000 shall be expended for a hydraulic analysis of the dam in Choate Park in the town of Medway; provided further, that not less than \$125,000 shall be expended for the preservation of a historic property in the town of Hadley; provided further, that not less than \$100,000 shall be expended for the repair and maintenance of the Mahar dam at the Ralph C. Mahar Regional School in the town of Orange; provided further, that not less than \$302,000 shall be expended for construction, engineering, oversight and tipping fees for the Plymco dam removal project in the town of Plymouth, which shall be used as matching funds for federal grants; and provided further, that the department shall file a report with the house and senate committees on ways and means not later than December 3, 2014, that shall include, but not be limited to the following: (a) the number of staff that are assigned from this line item and their job title; (b) the number of dam inspections scheduled for fiscal year 2015; and (c) the number of dams in need of repair or replacement ..... \$984,428.

The Governor reduced this item by \$549,000 and struck the following wording “; provided further, that not less than \$22,000 shall be expended for a hydraulic analysis of the dam in Choate Park in the town of Medway; provided further, that not less than \$125,000 shall be expended for the preservation of a historic property in the town of Hadley; provided further, that not less than

\$100,000 shall be expended for the repair and maintenance of the Mahar dam at the Ralph C. Mahar Regional School in the town of Orange; provided further, that not less than \$302,000 shall be expended for construction, engineering, oversight and tipping fees for the Plymco dam removal project in the town of Plymouth, which shall be used as matching funds for federal grants”. The question on passing item 2800-0700, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-nine minutes before six o’clock P.M., as follows, to wit (yeas 40 - nays 0) [**Yeas and Nays No. 430**]:

**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.	Murray, Therese
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. – **40.**

**NAYS – 0.**

The yeas and nays having been completed at twenty-seven minutes before six o'clock P.M., item 2800-0700, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

*Order Adopted.*

On motion of Mr. Brewer,-- Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M., in a full formal session without a calendar.

*Moment of Silence.*

At the request of the President, the members, guests and staff stood in a moment of silence and reflection to the memory of former State Representative John "Jack" Driscoll.

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*Adjourn In Memory of John "Jack" Driscoll*

The Senator from Worcester and Norfolk, Mr. Richard T. Moore, moved that when the Senate adjourns today, it do so in memory of former State Representative John "Jack" Driscoll.

John Riley "Jack" Driscoll died on Wednesday, July 9, 2014.

Jack, who was known locally as "Mr. Northbridge," was a beloved former state representative who served the 9th Worcester District from 1975 until his retirement in 1992. During his time in office, he developed a reputation for going above and beyond to respond personally to the needs of his constituents.

Prior to his election to the House of Representatives, Jack worked for 25 years as an agent for the Metropolitan Life Insurance Company. He also served for many years as an Assessor for the town of Northbridge. After his retirement he worked as a good will ambassador for Beaumont Rehabilitation and Skilled Nursing Center in his beloved Northbridge. A World War II veteran, he served honorably in the Asiatic Pacific Theater as a member of the U.S. Army Air Corps.

Jack leaves his daughter, Monica Stuart and her husband Douglas of Belmont, his son Sean Riley Driscoll and his partner Greg Fredo of Belmont, 5 grandchildren, Caitlin Driscoll Beatty and her husband Sameer Shah of Pawtucket, Meaghan Maura Beatty of Brighton, Shannon Grace Beatty of Providence, Bride Anne Stanley and John Alden Stanley, both of Whitinsville, and Skyler Stuart of San Diego, 3 great grandchildren and many nieces and nephews. He was predeceased by 2 daughters, Maura Holway and Kerin Stanley. His beloved wife of over 50 years, Constance A. Driscoll, predeceased him on March 17, 2013.

Accordingly, as a mark of respect in memory of John "Jack" Driscoll, at twenty-four minutes before six o'clock P.M., on motion of Mr. Richard T. Moore, the Senate adjourned to meet again tomorrow at one o'clock P.M.

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