

**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.

*Monday, August 11, 2014.*

Met at one minute past eleven o'clock A.M. (Ms. Chang-Diaz in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Ms. Chang-Diaz), members, guests and staff then recited the pledge of allegiance to the flag.

#### *Communication.*

The following communications were severally received and placed on file:

Communication from the Honorable Therese Murray, President of the Senate, announcing the appointment of Senator William N. Brownsberger (pursuant to Executive Order 551 signed into effect on July 28, 2014) to the Special Commission to study compensation of assistant district attorneys and public defenders; and

Communication from the Honorable Bruce E. Tarr, Senate Minority Leader, announcing the appointment of Senator Robert L. Hedlund to the Special Commission established (pursuant to Section 30 of Chapter 79 of the Acts of 2014) to make an investigation and study of the metropolitan planning organizations.

#### *Report.*

Report of the Norfolk County Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003) submitting a plan for expenditure from the County Registers Technological Fund (copies will be forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received August 8, 2014),-- **was placed on file.**

#### *Petition.*

Mr. Ross presented a petition (accompanied by bill, Senate, No. 2354) of Richard J. Ross and Shawn Dooley (by vote of the town) for legislation to establish a gaming revenue stabilization fund in the town of Plainville [Local approval received];

**Under Senate Rule 20, referred to the committee on Municipalities and Regional Government.**

**Sent to the House for concurrence.**

#### *Committees Discharged.*

Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing the joint committee on Health Care Financing to make an investigation and study relative to health care reform funding (Senate, No. 2350),-- **and recommending that the same be referred to the committee on Ethics and Rules.**

**Under Senate Rule 36, the report was considered forthwith and accepted.**

### PAPERS FROM THE HOUSE

A petition (accompanied by bill, House, No. 4394) of Jonathan D. Zlotnik and Jennifer L. Flanagan (with the approval of the mayor and city council) that certain employees in the clerk's office in the city of Gardner be authorized to administer oaths and affirmations,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

#### *Bills*

Validating certain actions, proceedings and policies of the town of Ashby (House, No. 4100,-- on petition) [Local approval received]; and

Authorizing the town of Shrewsbury to establish a special fund (House, No. 4219, amended,-- on petition) [Local approval received];

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

#### *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) "congratulating the Milford Legion Baseball Post 59 team on winning the 2014 State Championship"; and  
Resolutions (filed by Mr. Tarr) "celebrating the three hundred seventy-fifth anniversary of the town of Rowley."

#### *Matters Taken Out of the Orders of the Day.*

There being no objection, the following matters were taken out of the Orders of the Day and considered as follows:  
The House Bill authorizing the appointment of Billy Ray Hawkins, Jr., as a firefighter in the city of Haverhill notwithstanding the maximum age requirement (House, No. 3228),-- **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Dartmouth to accept certain roadways as public ways (House, No. 3697),-- **was read a third time and passed to be engrossed, in concurrence.**

The House Bill increasing the number of selectmen in the town of Sherborn (House, No. 4169),-- **was read a third time and passed to be engrossed, in concurrence.**

The House Bill increasing the number of licenses for the sale of alcoholic beverages in the town of Easton (House, No. 4198),-- **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the city of Chicopee to change the use of the Chicopee Falls Branch Public Library (House, No. 4221),-- **was read a third time and passed to be engrossed, in concurrence.**

#### *Reports of Committees.*

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Athanasios Gougoulas, an employee of the Department of Developmental Services (House, No. 4267),-- **ought to pass.**  
**There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

By Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition 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.  
**Senate Rule 36 was suspended, on motion of Mr. Keenan, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.**

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 Marc R. Pacheco and Patricia A. Haddad for legislation to establish a sick leave bank for Frances M. Vadnais, an employee of the Department of Developmental Services.  
**Senate Rule 36 was suspended, on motion of Mr. Keenan, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.**

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 Stanley C. Rosenberg and Stephen Kulik for legislation to establish a sick leave bank for Judith A. D'Antonio, an employee of the Department of Transitional Assistance.  
**Senate Rule 36 was suspended, on motion of Mr. Keenan, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.**  
**Severally sent to the House for concurrence.**

#### **PAPERS FROM THE HOUSE**

The Senate Bill protecting animal welfare and safety (Senate, No. 2345),-- **came from the House, passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4388.**

**The rules were suspended, on motion of Mr. Tarr, and the House amendment was adopted, in concurrence.**

*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 Acting President (Ms. Chang-Diaz) and laid before the Governor for his approbation, to wit:

Relative to the term of Mayor of the city of Salem (see House, No. 3915);

Increasing the exemption for residential real property from 30 percent to 35 per cent in the city of Somerville (see House, No. 4188);

Recognizing the profession of interior designers to bid on state contracts (see House, No. 4303);

Relative to racing days (see House, No. 4365, amended); and

To promote the sustainable economic development of the former Weymouth Naval Air Station for the benefit of the towns of Abington, Rockland, and Weymouth, the NAS South Weymouth Region and the Commonwealth (see House, No. 4372, amended).

An engrossed Bill validating the results of the annual meeting of the town of Millis held on May 12, 2014 (see House Bill, printed in House, No. 4182) (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 Acting President (Ms. Chang-Diaz) and laid before the Governor for his approbation.

The House Bill authorizing the town of Stoneham to grant 5 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3786, amended),-- came from the House with the endorsement that the House had receded from its further amendment (in section 1, in line 3, by striking out the words "all alcoholic" and inserting in place thereof the words "wine and malt") and concurred with the Senate in its amendment (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2015; and by striking out the title and inserting in place thereof the following title "An Act authorizing the town of Stoneham to grant 5 additional licenses for the sale of all alcoholic beverages to be drunk on the premises") with a still further amendment striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the licensing authority of the town of Stoneham may grant up to 5 additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138; provided, however, that such licenses shall be issued to establishments that hold a common victualler's license pursuant to section 2 of chapter 140 of the General Laws.

(b) A license granted pursuant to this act shall not be transferable to any other person, corporation, organization or location for a period of 3 years from the date of the original issuance. A transfer in violation of this act shall render the license null and void.

(c) If a license granted pursuant to this act is revoked or no longer in use at the location of original issuance, it shall be returned physically, with all the legal rights and privileges pertaining thereto, to the licensing authority, which may then grant the license to a new applicant at the same location only under the same conditions as specified in this act; provided, that the new applicant files with the licensing authority a letter from the department of revenue and a letter from the division of unemployment assistance indicating that the license is in good standing with those entities and all applicable taxes, fees and contributions have been paid.

SECTION 2. This act shall take effect upon its passage."

**The rules were suspended, on motion of Mr. Keenan, and the bill was considered forthwith.**

**Pending the question on concurring in the still further House amendment, Mr. Tarr rose to a point of order which, being stated, was that the amendment adopted by the House was improperly before the Senate for the reason that the House had exceeded its authority in entertaining such amendment.**

**The Chair (Ms. Chang-Diaz) stated that the point of order was well taken and the amendment was laid aside.**

**The papers were returned to the House endorsed accordingly.**

*Order Adopted.*

On motion of Mr. Hedlund,--

*Ordered*, That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

*Moment of Silence.*

At the request of the Chair (Ms. Chang-Diaz), the members, guests and staff stood in a moment of silence and reflection to the memory of Major General Harold J. Greene.

*Adjourn In Memory of Major General Harold J. Greene*

The Senator from Norfolk, Bristol and Middlesex, Mr. Ross, and the Senator from Middlesex and Norfolk, Ms. Spilka move that when the Senate adjourns today, it do so in memory of Major General Harold J. Greene.

Army Major General Harold J. “Harry” Greene served 34 years in the United States military. He was killed in a shooting incident on August 5th at Marshal Fahim National Defense University in Afghanistan. At the time of his death, Maj. General Greene was Deputy Commander of the Combined Security Transition Command and was on a routine site visit to the university. From 2009 to 2011, he served as Senior Commander at the Natick Soldier Systems Center. During that time period, he was also the Deputy Commanding General of the Army’s Research, Development and Engineering Command, splitting his time between Natick and the Aberdeen Proving Ground in Aberdeen, Maryland. During his time at Natick Labs, Major General Greene became a valued member of the community in Natick and MetroWest, often representing the Soldier Systems Center at important local and state events. He is survived by his wife, Susan, and his two children, Matthew and Amelia.

Accordingly, as a mark of respect in memory of Major General Harold J. Greene, sixteen minutes past eleven o’clock A.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Thursday next at eleven o’clock A.M.