

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.

Thursday, August 28, 2014.

Met at four minutes past eleven o'clock A.M. (Mr. Petrucci 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 (Mr. Petrucci), members, guests and staff then recited the pledge of allegiance to the flag.

Petitions.

Petitions were severally presented and referred, as follows:

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 2364) of Marc R. Pacheco and Susan Williams Gifford (by vote of the town) for legislation relative to the position of Treasurer-Collector in the town of Carver [Local approval received];

By the same Senator, a petition (accompanied by bill, Senate, No. 2365) of Marc R. Pacheco and Susan Williams Gifford (by vote of the town) for legislation relative to the Department of Public Works in the town of Carver [Local approval received];

By the same Senator, a petition (accompanied by bill, Senate, No. 2366) of Marc R. Pacheco and Susan Williams Gifford (by vote of the town) for legislation to authorize the Wareham fire district to pay a certain unpaid bill [Local approval received]; and

By the same Senator, a petition (accompanied by bill, Senate, No. 2367) of Marc R. Pacheco and Susan Williams Gifford (by vote of the town) for legislation relative to the positions of clerk and treasurer of the Wareham fire district [Local approval received];

Severally under Senate Rule 20, to the committee on Municipalities and Regional Government.

Severally sent to the House for concurrence.

Report of a Committee.

By Mr. Lewis, for the committee on Public Service, on petition, a Bill to establish a sick leave bank for Judith A. D'Antonio, an employee of the Department of Transitional Assistance (Senate, No. 2360);

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

PAPERS FROM THE HOUSE.

Report of the committee on Environment, Natural Resources and Agriculture asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4343) of James R. Miceli relative to industrial wastewater discharged from dental facilities,-- and recommending that the same be referred to the House committee on Ways and Means,-- **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Notice was received from the House of Representatives announcing the following appointments by the Minority Leader:

That under the provisions of Section 29 of Chapter 62 of the Acts of 2014, he has appointed Representative Orrall of Lakeville to serve as his designee to the Massachusetts Service Member Post-Deployment Council;

That under the provisions of Section 7 of Chapter 189 of the Acts of 2014, he has appointed Representative Harrington of Groton to serve as his designee to the Juvenile Offender Commission;

That under the provisions of Section 6 of Chapter 151 of the Acts of 2014, he has appointed Representative Wong of Saugus to serve as his designee to the Metropolitan Beaches Commission;
That under the provisions of Section 206 of Chapter 151 of the Acts of 2014, he has appointed Representative Kuros of Uxbridge as his designee to the Medical Device Tax Credit Commission;
That under the provisions of Section 207 of Chapter 151 of the Acts of 2014, he appointed Representative D'Emilia of Bridgewater as his designee to the Bridgewater State Hospital Working Group;
That under the provisions of Section 124 of Chapter 151 of the Acts of 2014, he has appointed Representative Ferguson of Holden as his designee to the Foundation Budget Review Commission;
That under the provisions of Section 233 of Chapter 151 of the Acts of 2014, he has appointed Representative Beaton of Shrewsbury as his designee to the 495 Metro West Suburban Edge Community Commission;
That under the provisions of Section 235 of Chapter 151 of the Acts of 2014, he has appointed Representative Frost of Uxbridge as his designee to the Inventory Tax Commission;
That under the provisions of Section 29 of Chapter 210 of the Acts of 2014, he has appointed Representative Dooley as his designee to the Campaign Finance Disclosure Task Force;
That under the provisions of Section 1 of Chapter 226 of the Acts of 2014, he has appointed Representative Hill of Ipswich as his designee to the Commission on Autism; and
That under the provisions of Section 47 of Chapter 260 of the Acts of 2014, he has appointed Representative Poirier of North Attleboro as his designee to the Special Commission of Housing and Shelter Options for Victims of Domestic Violence and Sexual Assault.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:-

Resolutions (filed by Mr. Brewer, Ms. Chandler, Messrs. Richard T. Moore and Michael O. Moore and Ms. Flanagan) "on the occasion of the two hundred and fortieth anniversary of the Worcester Revolution of 1774";
Resolutions (filed by Ms. Chandler and Mr. Michael O. Moore) "commending the YMCA of Central Massachusetts on providing 150 years of commitment and support to the community";
Resolutions (filed by Ms. Lovely) "celebrating the seventy-fourth anniversary of National Airborne Day";
Resolutions (filed by Ms. Murray) "commending Project Passenger Pigeon on its observation of the Centenary of the Extinction of the Passenger Pigeon";
Resolutions (filed by Mr. Pacheco) "congratulating Emma R. Andrade on her one hundredth birthday"; and
Resolutions (filed by Messrs. Timilty and Ross) "celebrating the Centennial Anniversary of the City of Attleboro."

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 Senate Bill authorizing the abatement of a certain sewer betterment assessment in the town of Sturbridge (Senate, No. 2140) (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 Senate Bill authorizing the licensing authority of the city of Woburn to grant 6 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2280) (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 Senate Bill dissolving the Athol contributory retirement (Senate, No. 2300),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act dissolving the contributory retirement system of the town of Athol".**
Sent to the House for concurrence.

The House Bill authorizing the reinstatement of Kenneth G. Laxton as a reserve police officer in the town of Southwick (House, No. 3853),-- **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the city of Boston to grant 6 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4099, changed) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed.**

The House Bill establishing a capital expenditure fund in the town of Rehoboth (House, No. 4225),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Reports of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Richard Bravoco an employee of the Department of Correction (Senate, No. 2290),-- **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, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act establishing a sick leave bank for Richard Bravoco, an employee of the Department of Correction".

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 Michael J. Macuch, an employee of the Department of Correction (House, No. 4407),-- **ought to pass, with an amendment striking out, in line 3, the words "wife Lois Robinson-Macuch" and inserting in place thereof the following word:- "spouse".**

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

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

PAPERS FROM THE HOUSE.

The Senate Bill establishing the 104th fighter wing fire department (Senate, No. 1145, amended),-- **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 contained in House document numbered 4383.**

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

Engrossed Bills.

An engrossed Bill increasing the number of licenses for the sale of alcoholic beverages to be drunk on the premises (see House, No. 4198, amended) (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 Acting President (Mr. Petrucci) and laid before the Governor for his approbation.

An engrossed Bill validating the results of the annual town meeting of the town of Ashland held on May 2, 2012 (see House Bill, printed in House, No. 3675) (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 (Mr. Petrucci) and laid before the Governor for his approbation.

Engrossed Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to racing days (see House, No. 4365) [for message, see House, No. 4426],— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:-

By striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. (a) Notwithstanding any general or special law to the contrary, in calendar year 2014, the harness horse racing meeting licensee located in Norfolk county may simulcast live races; provided, that said licensee is licensed to and actually conducts at least 720 live races over the course of not less than 80 calendar days during the 2014 racing season with not fewer than 7 races completed on any of those 80 calendar days.

(b) Notwithstanding any general or special law to the contrary, in calendar years 2014 and 2015 the running horse racing meeting licensee located in Suffolk county may simulcast live races provided that said licensee is licensed to and actually conducts at least 500 live races over the course of not less than 65 calendar days during each racing season with not fewer than 7 races completed on any of those 65 calendar days or such other number of live races and racing days as may be approved by the Massachusetts Gaming Commission in the interest of the health and safety of horses, riders and drivers.

SECTION 2. Subsection (a) of section 1 is hereby repealed.

SECTION 3. Subsection (b) of section 1 is hereby repealed.

SECTION 4. Section 2 shall take effect on January 1, 2015.

SECTION 5. Section 3 shall take effect on January 1, 2016.”.

The message, as amended was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Tarr, and the Governor’s amendment was considered forthwith and adopted, in concurrence.

Sent to the House for re-enactment.

Order Adopted.

On motion of Mr. Tarr,--

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

On motion of the same Senator, at nineteen minutes before twelve o'clock noon, the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.