

**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, September 12, 2013.*

Met according to adjournment at one o'clock P.M.

#### *Petition.*

A petition (having been transmitted to the Secretary of Commonwealth under the provisions of Section 5 of Chapter 3 of the General Laws, and returned by him with memorandum relative thereto) was referred, as follows, to wit:

Petition (subject to Joint Rules 9 and 12) of Sal N. DiDomenico for legislation to exempt a certain parcel of land in the Charlestown portion in the city of Boston from any designated port area;

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

#### *Reports of a Committee.*

By Mr. Rodrigues, for the committee on Revenue, on petition, a Bill relative to taxes due upon the death of active duty personnel (Senate, No.1325); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1319), a Bill relative to senior citizen property taxes (Senate, No. 1860);

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

### PAPERS FROM THE HOUSE

#### *Reports*

Of the committee on Public Health, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1893) of Ruth B. Balser and others relative to training facilities for psychologists,-- **and recommending that the same be referred to the committee on Mental Health and Substance Abuse;** and

Of the petition (accompanied by bill, House, No. 1927) of Mark J. Cusack relative to the substitution of interchangeable biosimilars,-- **and recommending that the same be referred to the committee on Health Care Financing;**

**Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

There being no objection, at one minute past one o'clock P.M., the President declared a recess subject to the call of the Chair; and, at four minutes past three o'clock P.M., the Senate reassembled, the President in the Chair.

The President, members, guests and staff then recited the pledge of allegiance to the flag.

#### *Resolutions.*

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

Resolutions (filed by Ms. Chandler and Mr. Michael O. Moore) “congratulating Raymond V. Mariano on being named the 2013 Worcester Columbus Day Parade Grand Marshal”;

Resolutions (filed by Mr. Tarr) “commending the Charcot-Marie-Tooth Association on its observance of September 2013 as Charcot-Marie-Tooth Disease Awareness Month”;

Resolutions (filed by Mr. Tarr) “congratulating St. John's Episcopal Church in the city of Gloucester on the occasion of its one hundred and fiftieth anniversary”; and

Resolutions (filed by Mr. Tarr) “congratulating the West Gloucester Trinitarian Congregational Church on its legacy and contributions to the cultural, social and religious developments in the Commonwealth for the past 300 years.”

## **PAPERS FROM THE HOUSE**

### *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:

Designating a certain bridge in the city of Fitchburg as the George J. Bourque Memorial Bridge (see House, No. 3042);

Authorizing the town of Sunderland to continue the employment of Richard E. Dickinson as a call firefighter (see House, No. 3286);

Authorizing the town of Fairhaven to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 3604); and

Authorizing the town of Weston to grant a license for the sale of wines and malt beverages at a food store (see House, No. 3610).

### *Petition.*

On motion of Ms. Chang-Díaz, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Brewer (accompanied by bill) of Stephen M. Brewer and Denise Andrews for legislation to establish a sick leave bank for Jessica Culver, an employee of the Department of Mental Health,— **and the same was referred to the committee on Public Service.**

**Sent to the House for 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 relative to health insurance for elected officials in the town of Harwich (House, No. 1872),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill amending the town meeting act and the town manager act of the town of Saugus (House, No. 3511, amended),-- **was read a second time.**

Pending the question on ordering the bill to a third reading, Mr. McGee moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1858; and by striking out the title and inserting in place thereof the following title: “An Act providing for staggered elections of selectmen and school committee members and establishing annual town elections in the town of Saugus”.

**The amendment was adopted.**

**The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.**

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

The House Bill increasing the number of licenses for the sale of alcoholic beverages in the city of Quincy (House, No. 3587),-- **was read a second time.**

Pending the question on ordering the bill to a third reading, Mr. Keenan moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1859.

**The amendment was adopted.**

**The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.**

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

At ten minutes past three o'clock P.M., Mr. Rosenberg doubted the presence of a quorum; and, a count of the Senate determined that a quorum was not present.

Subsequently, at twenty-five minutes past three o'clock P.M., a quorum was declared present

*Communication.*

The Clerk read the following communication:

The Honorable Therese Murray  
President of the Massachusetts Senate  
State House, Room 332  
Boston, MA 02133

Dear President Murray:

There is a hero who works for the Massachusetts Senate. That hero is Court Officer Regina Skinner. During the early evening of August 20, 2013, as I was driving home from a meeting, I observed a domestic assault at the intersection of Columbus Avenue and Bird Street in Dorchester. The male party was physically assaulting a female in plain view. Acting on instinct, I stopped my car, called 911 and intervened in an attempt to stop the ongoing assault.

In the middle of a very intense moment I heard the familiar voice of Court Officer Skinner saying "Secretary, I have your back. I'm right here", and demanding the two parties involved to stop their fighting, stay apart and remain on the scene.

It should be noted that Court Officer Skinner was driving by and saw that I was in need of help, however she also saw a young woman being beaten also in need of help. Although she had her family in her car, and at great risk to her own safety, she got out of her car, confronted the perpetrator and protected me. As a result of her actions, the fight was stopped and an arrest was made.

Court Officer Skinner demonstrated bravery and esprit de corps. As a citizen of our great Commonwealth I can say without reservation that we are fortunate to have Court Officer Skinner protecting the Senate. She demonstrated that her neighborhood does not tolerate violent behavior. Court Officer Regina Skinner represents the finest of all core values of being a public servant.

*Cordially,*  
Matthew H. Malone, Ph.D.  
*Secretary of Education*

On motion of Mr. Rosenberg, the above communication was printed in the Journal of the Senate.

Court Officer Skinner was then presented a Senate Citation commemorating her bravery by the Senate President.

*Orders of the Day.*

The Orders of the Day were considered as follows:

The House Bill relative to the capital investment fund of the town of Sterling (House, No. 3357),-- **was read a second time and ordered to a third reading.**

**The rules were suspended, on motion of Ms. Flanagan, and the bill was read a third time and passed to be engrossed, in concurrence.**

The House Bill amending the charter for the town of Randolph (House, No. 3439),-- **was read a second time and ordered to a third reading.**

*Reports of a Committee.*

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to critical incident intervention by emergency service providers (Senate, No. 1827),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 1861).**

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

**The bill (Senate, No. 1861) 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 twenty-five minutes before four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 184**]:

**YEAS.**

Barrett, Michael J.

Kennedy, Thomas P.

Brewer, Stephen M.

Lovely, Joan B.

Brownsberger, William N.

McGee, Thomas M.

Candaras, Gale D.

Montigny, Mark C.

Chandler, Harriette L.

Moore, Michael O.

Chang-Diaz, Sonia

Moore, Richard T.

Clark, Katherine M.

O'Connor Ives, Kathleen

Creem, Cynthia Stone

Pacheco, Marc R.

DiDomenico, Sal N.

Petrucelli, Anthony

Donoghue, Eileen M.

Rodrigues, Michael J.

Downing, Benjamin B.

Rosenberg, Stanley C.

Eldridge, James B.

Ross, Richard J.

Finegold, Barry R.

Rush, Michael F.

Flanagan, Jennifer L.

Spilka, Karen E.

Forry, Linda Dorcena

Tarr, Bruce E.

Hedlund, Robert L.

Timilty, James E.

Jehlen, Patricia D.

Welch, James T.

Joyce, Brian A.

Wolf, Daniel A. – 37.

Keenan, John F.

**NAYS – 0.**

**ABSENT OR NOT VOTING.**

Donnelly, Kenneth J. – 1.

**The yeas and nays having been completed at twenty-one minutes before four 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 to increase the penalties for corporate manslaughter (Senate, No. 732),-- **ought to pass, with an amendment striking out, in line 14, the word “shall” and inserting in place thereof the following word:- “may”; 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 strengthen the penalties for the crime of manslaughter, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.”

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

Pending the question on ordering the bill to a third reading, Mr. Montigny moved that the bill be amended in line 9, by striking the word “more” and inserting in place thereof the following:- “less”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at eight minutes past four o’clock P.M., on motion of Mr. Montigny, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 185**]:

#### YEAS.

Barrett, Michael J.	Kennedy, Thomas P.
Brewer, Stephen M.	Lovely, Joan B.
Brownsberger, William N.	McGee, Thomas M.
Candaras, Gale D.	Montigny, Mark C.
Chandler, Harriette L.	Moore, Michael O.
Chang-Diaz, Sonia	Moore, Richard T.
Clark, Katherine M.	O'Connor Ives, Kathleen
Creem, Cynthia Stone	Pacheco, Marc R.
DiDomenico, Sal N.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Finegold, Barry R.	Rush, Michael F.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.

Joyce, Brian A.

Wolf, Daniel A. – **37.**

Keenan, John F.

**NAYS – 0.**

**ABSENT OR NOT VOTING.**

Donnelly, Kenneth J. – **1.**

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

**Mr. Pacheco move to amend the bill in subsection (b) by striking out the second sentence.**

**After remarks, the amendment was adopted.**

**The bill (Senate, No. 732, amended) was then ordered to a third reading and read a third time.**

After further remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at sixteen minutes past four o'clock P.M., on motion of Ms. Clark, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 186**]:

**YEAS.**

Barrett, Michael J.

Kennedy, Thomas P.

Brewer, Stephen M.

Lovely, Joan B.

Brownsberger, William N.

McGee, Thomas M.

Candaras, Gale D.

Montigny, Mark C.

Chandler, Harriette L.

Moore, Michael O.

Chang-Diaz, Sonia

Moore, Richard T.

Clark, Katherine M.

O'Connor Ives, Kathleen

Creem, Cynthia Stone

Pacheco, Marc R.

DiDomenico, Sal N.

Petrucelli, Anthony

Donoghue, Eileen M.

Rodrigues, Michael J.

Downing, Benjamin B.

Rosenberg, Stanley C.

Eldridge, James B.

Ross, Richard J.

Finegold, Barry R.

Rush, Michael F.

Flanagan, Jennifer L.

Spilka, Karen E.

Forry, Linda Dorcena

Tarr, Bruce E.

Hedlund, Robert L.

Timilty, James E.

Jehlen, Patricia D.

Welch, James T.

Joyce, Brian A.

Wolf, Daniel A. – 37.

Keenan, John F.

**NAYS – 0.**

**ABSENT OR NOT VOTING.**

Donnelly, Kenneth J. – 1.

**The yeas and nays having been completed at nineteen minutes past four o'clock P.M., the bill was passed to be engrossed. Sent to the House for concurrence.**

*Order Adopted.*

On motion of Mr. Tarr,--

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

*Adjournment in Memory of Ernest W. Little.*

The Senator from Essex and Middlesex, Mr. Tarr, moved that when the Senate adjourns today, it do so in memory of Ernest W. Little.

Ernest W. Little, 93, of Danvers and formerly of Boxford, passed away on August 28 at the Kaplan Family Hospice House. Mr. Little was born in Salem and was the youngest of 11 children of William and Gertrude (Raynor) Little. Mr. Little served in the United States Army with the 101st Air Borne and received the Bronze Star and Purple Heart. While living in Boxford, he was a member of the American Legion, the Second Congregational Church and was a volunteer fire fighter. Mr. Little enjoyed woodworking, horses, and was an overall animal lover.

Mr. Little was predeceased by his wife Kathleen (Matchett) Little, and he is survived by his daughters Judith Eisenberg and husband Robert of Boxford, Deborah MacAuley of Boxford, and Susan Tidd and her companion Stephen Higgins of West Newbury. He is also survived by his grandchildren Robin L. Bigley and her husband Gary, Aimee T. Stidsen and her husband David, Lise E. Tidd, Adam B. Tidd, Lindsay P. MacAuley and her husband Mark Friedberg, and Alec E. MacAuley; and great grandchildren Ryan and Andrew Bigley, William and Bennett Stidson and Evan Friedberg.

Accordingly, as a mark of respect to the memory of Ernest W. Little, at twenty-one minutes past four o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.