

NOTICE: While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Wednesday, November 20, 2013.

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

Distinguished Guests.

There being no objection, the President introduced, in the rear of the Chamber, the Silver Lake Regional High School Boys Soccer Team. Players from this team are from Kingston, Plimpton and Halifax. The team was recognized for having a 21-1-1 record. The Senate applauded their accomplishments and they withdrew from the Chamber. They were also guests of Representative Calter.

There being no objection, the President handed the gavel to Ms. Jehlen for the purpose of an introduction. Ms. Jehlen then introduced, in the rear of the Chamber, a Girl Scout Troop from Medford. The troop was visiting the State House learning about the different aspects of state government. The Senate welcomed them with applause and they withdrew from the Chamber.

Communication.

The following communication was received and placed on file:

Communication from the Honorable Therese Murray, President of the Senate, announcing the appointments of Ms. Jacqueline Lane of Sagamore and Mr. Christopher Hussey of Brookline (pursuant to Section 6 of Chapter 38 of the Acts of 2013) to the State House Art Commission.

Report.

A report of the Plymouth Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003 and section 2KKK of Chapter 29 of the General Laws) submitting its 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 in the Office of the Clerk of the Senate on November 18, 2013),-- **was placed on file.**

Reports of Committees.

By Mr. Joyce, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate Bill authorizing the secretary of the Massachusetts Department of Transportation to convey and acquire certain parcels of land in the city of Beverly (Senate, No. 1901),-- **ought to pass.**

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

By Mr. Donnelly, for the committee on State Administration and Regulatory Oversight, on petition, a Bill to authorize the leasing of the Leo J. Martin memorial golf course (Senate, No. 1492, changed in line 1 by striking the words "40E to 40K, inclusive," and inserting in place thereof the following "32 to 37, inclusive of Chapter 7C");

By the same Senator, for the same committee, on petition, a Bill to authorize the Massachusetts Department of Transportation to acquire certain parcels of land in the city of Fall River (Senate, No. 1847); and

By the same Senator, for the same committee, on petition, a Bill to direct the Division of Capital Asset Management and Maintenance to transfer certain parcels of land in the town of Medfield (Senate, No. 1889) [Local approval received];
Severally read and, under Senate 26C, referred to the committee on Bonding, Capital Expenditures and State Assets.

By Mr. Donnelly, for the committee on State Administration and Regulatory Oversight, on petition, a Bill to designate the recovery resource center at Taunton State Hospital as the Dr. Marie King Recovery Resource Center (Senate, No. 1522);
Read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

Committee Discharged.

Mr. Kennedy, for the committee on Consumer Protection and Professional Licensure, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 150) of Bruce E. Tarr for legislation to recognize the independence of franchise operators,-- **and recommending that the same be referred to the committee on the Labor and Workforce Development;**
Under Senate Rule 36, the report was considered forthwith and accepted.
Sent to the House for concurrence.

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

Oath of Office.

The Honorable Donald F. Humason, Jr. at eleven minutes past eleven o'clock A.M., on Wednesday, November 20, 2013, before the Governor and Council, did take and subscribe the oath of office as State Senator from the Second Hampden and Hampshire district.

After taking the oath of office, Senator Humason briefly addressed the Senate as follows:

Thank you Madame President.

Thank you for the opportunity to address my new colleagues in the Senate.

It has been quite an amazing ride.

I want to thank you, Madame President, and your staff, especially Jerome, for your kind assistance during my transition from the House to the Senate.

I also want to extend my thanks to the Senator from Gloucester, the Minority Leader, and to his staff, especially AJ, for their help as well.

Please allow me to introduce myself. I was born and raised in Westfield. I attended Westfield public schools and graduated from Westfield State College in 1989. I have been a tobacco picker, a camp counselor, a mental health crisis worker, a Judo instructor, a court security officer, a legislative staffer, a Justice of the Peace.

I began my career in public service in 1991 as the Legislative Aide for the State Representative from Westfield. I have worked at the State House since then. Later, that same person decided to run for the State Senate. I went with him as his Chief of Staff and served as a Senate staffer from 1995 to 1998.

That person, the gentleman from Westfield, has been a friend, mentor, and teacher to me for many years. It is his fault that I am here where I am today. I would like to thank the former Senator from Westfield for his friendship and advice all these years. I have big shoes to fill, I know.

I can't wait to invoke some of his favorite sayings during debate in this chamber. Perhaps we can all step into the Wayback Machine and see how it goes!

For the past 11 years I have been proud to represent the people of Westfield as their State Representative. Many of my classmates left to come to the Senate. It will be good to work with them again.

Today, I begin my new position as a member of this Senate. I will now represent Agawam, Southwick, Granville, Tolland, Russell, Montgomery, Southampton, Easthampton, Chicopee, Holyoke, and Westfield.

I am especially excited to work with my fellow State Senators from Western Mass like the Senator from Pittsfield, the Senator from West Springfield, the Senator from Wilbraham, the Senator from Amherst, and the Senator from Barre.

I'll conclude in just a moment but I wanted to thank a few more people for all their hard work in helping me to get to this place. As we all know, none of us can do it all on our own.

I have to thank all my House colleagues. Especially the Minority party in the House and Senate.

I want to extend my appreciation and gratitude to the volunteers and activists who worked so tirelessly to help me get elected. Some of them made the trip into Boston today.

I want to thank my family. My parents Don and Alberta Humason, my wife Jan. Her mom Janice. My sisters in law Kathleen and Mary. Mary's husband Dan and son Daniel.

And finally, the people of the 2nd Hampden & Hampshire District who voted for me and gave me this chance to serve. I thank them for this chance to work with all of you for the good of this Commonwealth.

I'll finish now with this quick story. Janice and I have a 2 year old son, Quinn, who isn't here for the swearing in today. He's back at daycare in Westfield. Jan and I didn't want to disrupt his day with a 2 hour drive down and a 2 hour drive home.

But it's probably just as well. Right before the election my supporters hosted an event for me a Miss Sweets in Westfield. Jan brought Quinn and just as I was getting up to thank supporters he ran up to me yelling "Daddy, Daddy!"

I picked him up, thinking, this is going to look great. Me with my boy in my arms. He looked at me and said, "Daddy, stop talking!" Well, he brought the house down and stopped me in my tracks.

So Madame President, I'll take my son's advice and stop talking. But thank you all for your indulgence, friendship, and support. I look forward to getting to work!

On motion of Mr. Ross, the address was ordered printed in the Journal of the Senate.

Seat Assignments.

The President announced that Senator Richard J. Ross had been reassigned to seat 4 on the President's Right and the assignment of Senator Donald F. Humason, Jr. to seat number 3 on the President's Right.

The President appointed Messrs. Richard T. Moore and Michael O. Moore to escort Senator Humason to his seat.

Communications.

The Clerk read the following communications from the Secretary of the Commonwealth, to wit:

The Commonwealth of Massachusetts

Secretary of the Commonwealth

State House, Boston, Massachusetts

November 20, 2013

To the Honorable Senate:

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the fifth day of November, for Senator in the General Court, 2nd Hampden & Hampshire District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the Senate, as required by the Constitution.

Very truly yours,

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

FOR STATE SENATOR IN GENERAL COURT

SECOND HAMPDEN AND HAMPSHIRE SENATORIAL DISTRICT

(to fill vacancy)

David K. Bartley of Holyoke (Democratic) has 16,314 votes

Donald F. Humason, Jr. of Westfield (Republican) has.. 18,128 "

All others..... 64 "

Blanks..... 107 "

Total Votes Cast 34,613 "

Order Adopted.

On motion of Mr. Rosenberg,

Ordered, That the returns of votes for Senator to fill a vacancy in the Second Hampden and Hampshire district be referred to a special committee to consist of as many members of the Senate as the President shall appoint.

Senators Ross, Candaras, Welch and Petruccelli were appointed the committee.

Subsequently, Mr. Ross, for the committee, reported, that from an examination of the returns, it appears the Honorable Donald F. Humason, Jr., of Westfield had been duly elected to said district.

The report was read and accepted.

Recess.

There being no objection, at six minutes before two o'clock P.M., the President declared a recess, subject to the call of the Chair; and at eight minutes before four o'clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land to the city of Newton (see House, No. 3669, 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 15 to 0.

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

Engrossed Bill.

An engrossed Bill authorizing the lease of certain property in the town of Ludlow (see Senate, No. 1769, changed) (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.

Matters Taken Out of the Orders of the Day.

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

The House Bill relative to the Cohasset Board of Sewer Commissioners (House, No. 3671),-- was read a third time and passed to be engrossed, in concurrence.

The House Bill repealing a certain law authorizing the town of Lincoln to grant a license for the sale of wines and malt beverages to be drunk on the premises (House, No. 3527) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time and passed to be engrossed, in concurrence.

PAPERS FROM THE HOUSE.

A Bill relative to a land conveyance in the town of Littleton (House, No. 3642,-- on petition) [Local approval received],-- was read.

There being no objection, the rules were suspended, on motion of Mr. Eldridge and the bill was read a second time, ordered to a third reading, read a third time and 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 authorizing the transfer of certain parcels of land in the town of Littleton".

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 3781) of Christopher G. Fallon and Paul J. Donato establishing a sick leave bank for Joseph W. Teta, an employee of the Trial Court; and

Petition (accompanied by bill, House, No. 3782) of Sarah K. Peake and others increasing the fine for the illegal taking of eels and elvers;

Severally to the committee on the Judiciary.

Reports of Committees.

By Mr. Brewer, for the committee on Ways and Means, on the residue of the Senate Bill relative to simulcasting horse races in the Commonwealth (Senate, No. 1895),-- reports, recommending that the same ought to pass with an amendment substituting a new draft entitled "An Act further regulating the simulcasting of horse races" (Senate, No. 1928).

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

The bill (Senate, No. 1928) was then 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 authorizing the town of Norwood to change the use of a recreation department parcel and to erect and constitute an Eastern Massachusetts Regional Ice Skating Rink and Recreation Center (House, No. 3712),-- was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Rush moved that the bill be amended in section 2, by inserting after the word "above", in line 18, the following words:- "or other appropriate replacement land, subject to the approval of the executive office of energy and environmental affairs"; by striking out section 4; 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 provide for the construction and operation of a regional indoor ice skating rink and recreation center in the town of Norwood, 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 ordered to a third reading, read a third time and 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 authorizing the town of Norwood to make certain changes in the use of certain land for the construction and operation of a regional indoor ice skating rink and recreation center".

Sent to the House for concurrence in the amendment.

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 regulating secondary metals dealing (Senate, No. 1916) (the committee on Ethics and Rules recommending that the bill be amended by substituting a new draft with the same title (Senate, No. 1929).

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 Ethics and Rules.

The bill (Senate, No. 1929) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

The House Bill authorizing the town of Mashpee to convey an interest in certain town owned land to the town of Barnstable (House, No. 3579),-- came from the House, passed to be engrossed, in concurrence, with a further amendment in section 3 (as inserted by amendment by the Senate), at the end of the first sentence, by striking out the words "without compensation"; 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 the town of Mashpee to convey an interest in certain town own land to the town of Barnstable, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

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

Engrossed Bills—Land Takings for Conservation Etc.

An engrossed Bill authorizing the town of Belchertown to convey certain land (see Senate, No. 1887, amended) (which originated in the Senate), 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 seventeen minutes past four o'clock P.M., as follows, to wit (yeas 39 - nays 0) [Yeas and Nays No. 224]:

YEAS.

Barrett, Michael J. Keenan, John F.

Brewer, Stephen M. Kennedy, Thomas P.

Brownsberger, William N. Lovely, Joan B.

Candaras, Gale D. McGee, Thomas M.

Chandler, Harriette L. Montigny, Mark C.

Chang-Diaz, Sonia Moore, Michael O.

Clark, Katherine M. Moore, Richard T.

Creem, Cynthia Stone O'Connor Ives, Kathleen

DiDomenico, Sal N. Pacheco, Marc R.

Donnelly, Kenneth J. Petrucci, 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.

Humason, Donald, Jr. Welch, James T.

Jehlen, Patricia D. Wolf, Daniel A. — 39.

Joyce, Brian A.

NAYS — 0.

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

An engrossed Bill relative to certain parcels of land in the city of Northampton and the town of Williamsburg (see House, No. 3619) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-four minutes past four o'clock P.M., as follows, to wit (yeas 39 - nays 0) [Yeas and Nays No. 225]:

YEAS.

Barrett, Michael J. Keenan, John F.

Brewer, Stephen M. Kennedy, Thomas P.

Brownsberger, William N. Lovely, Joan B.

Candaras, Gale D. McGee, Thomas M.

Chandler, Harriette L. Montigny, Mark C.
Chang-Diaz, Sonia Moore, Michael O.
Clark, Katherine M. Moore, Richard T.
Creem, Cynthia Stone O'Connor Ives, Kathleen
DiDomenico, Sal N. Pacheco, Marc R.
Donnelly, Kenneth J. Petrucci, 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.
Humason, Donald, Jr. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. – 39.
Joyce, Brian A.
NAYS – 0.

The yeas and nays having been completed at twenty-six minutes past four o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Engrossed Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to price adjustments for certain materials in construction projects (House, No. 3562) inasmuch as relates to Section 45 (see House, No. 3538) [for message, see Attachment G of House, No. 3566],— came from the House with endorsement that the House rejected the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading) and had adopted an amendment striking out all after the enacting clause and inserting in place thereof following:

"SECTION 1. Chapter 30 of the General Laws is hereby amended by inserting after section 38 the following section:-

Section 38A. Contracts for road and bridge projects awarded as a result of a proposal or invitation for bids under section 39M of this chapter shall include a price adjustment clause for each of the following materials: fuel, both diesel and gasoline; asphalt; concrete; and steel. Contracts for water and sewer projects awarded as a result of a proposal or invitation for bids under section 39M of this chapter shall include a price adjustment clause for fuel, both diesel and gasoline; liquid asphalt; and portland cement contained in cast-in-place concrete. A base price for each material shall be set by the awarding authority or agency and shall be included in the bid documents at the time the project is advertised. The awarding authority or agency shall also identify in the bid documents the price index to be used for each material. The price adjustment clause shall provide for a contract adjustment to be made on a monthly basis when the monthly cost change exceeds plus or minus 5 per cent.

SECTION 2. Section 1 shall apply only to projects which are advertised for bid after January 1, 2014."

The message 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.

There being no objection, the rules were suspended, on motion of Mr. Timilty.

After remarks, the Governor's amendment was then rejected.

The House amendment was then considered; and it was adopted, in concurrence.

Sent to the House for re-enactment.

A Bill authorizing the division of capital asset management and maintenance to convey certain state owned land to the city of Boston (House, No. 3771,-- on petition) [Local approval received],-- was read.

There being no objection, the rules were suspended, on motion of Ms. Chang-Diaz and the bill was read a second time, ordered to a third reading, read a third time and 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 authorizing the division of capital asset management and maintenance to convey a certain parcel of land to the city of Boston".

A petition (accompanied by bill, House, No. 3783) of Robert A. DeLeo, Martha Coakley (Attorney General) and others relative to flood insurance,-- was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Financial Services.

Matter Taken Out of the Orders of the Day.

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

The Senate Bill authorizing the city of Gardner to convey certain land to New England Power Company (Senate, No. 1893),-- 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.

Reports of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill to clarify the joint use and operation of Spectacle Island (Senate, No. 1488),-- ought to pass.

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 passed to be engrossed.
Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill authorizing the secretary of the Massachusetts Department of Transportation to convey and acquire certain parcels of land in the city of Beverly (Senate, No. 1901),-- ought to pass.

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, 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 Senate Bill designating and transferring certain land in the towns of Norfolk and Walpole for conservation, open space, water supply protection, and recreational purposes (Senate, No. 1560) (the committee on Bonding, Capital Expenditures and State Assets recommending that the bill be amended in section 3, by striking out in line 33 the words "Chapter 7" and inserting in place thereof the words:- "Chapter 7C"; and in section 4, by striking out in line 70 the words "Chapter 7" and inserting in place thereof the words:- "Chapter 7C"),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 1936).

There being no objection, the rules were suspended, on motion of Mr. Timilty, and the bill was read a second time. The amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets pending was considered; and, it was rejected.

The pending amendment, recommended by the committee on Ways and Means, was then considered; and it was adopted. The bill (Senate, No. 1936) was then 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 relative to automotive repair (House, No. 3757),-- ought to pass, with an amendment 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 provide forthwith for the availability of automotive repair information, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

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

Messrs. Kennedy, Michael O. Moore and Hedlund moved to amend the bill in section 3, in proposed section 1 of chapter 93K, by inserting, after the definition of "Franchise agreement" the following definition:-

"'Heavy duty vehicle', any vehicle having a gross vehicle weight rating of more than 14,000 pounds; provided, however, that heavy duty vehicles built to custom specifications sold in the commonwealth for commercial purposes shall not be required to comply with subsection (d) of section 2.";

In said section 3, in the proposed definition of "Motor vehicle" in said section 1 of said chapter 93K, by striking out the words "(vi) any vehicle with a gross vehicle weight rating of more than 14,000 pounds; (vii) any vehicle excluded from the definition of "motor vehicle" in chapter 90; and (viii) a motorcycle, as defined in section 1 of chapter 90" and inserting in place thereof the following words:- "(vi) any vehicle excluded from the definition of "motor vehicle" in chapter 90; and (vii) a motorcycle, as defined in section 1 of chapter 90";

In said section 3, by inserting after the word "thereafter", in line 69, the following words:- "and model year 2013 heavy duty vehicles and thereafter";

In said section 3, by inserting after the word "thereafter", in line 89, the following words:- "and model year 2013 heavy duty vehicles and thereafter";

In said section 3, by inserting after the word "commonwealth", in line 117, the following words:- ", including heavy duty vehicles that are not heavy duty vehicles built to custom specifications sold in the commonwealth for commercial purposes,";

In said section 3, by inserting after the figure "J2534", in line 121, the first time it appears, the following words:- "Society of Automotive Engineers J1939,";

In said section 3, by inserting after the figure "J2534", in line 121, the second time it appears, the following words:- "and SAE J1939"; and

In said section 3, by inserting after the figure "J2534", in line 122, the following words:- ", SAE J1939".

The amendment was adopted.

Mr. Hedlund moved that the bill be amended by striking the definition of "motor vehicle" in lines 51-60 and inserting in place thereof the following:-

"'Motor vehicle', a vehicle, originally manufactured for distribution and sale in the United States, driven or drawn by mechanical power and manufactured primarily for use on public streets, roads and highways, but excluding: (i) a vehicle that may be operated only on a rail line; (ii) a recreational vehicle or auto home equipped for habitation; (iii) an ambulance; (iv) a bus, motor coach or trackless trolley designed for the carriage of persons for hire or for school-related purposes; (v) vehicles used exclusively for the building, repair and maintenance of highways or designed primarily for use elsewhere than on the traveled part of ways; (vi) any vehicle with a gross vehicle weight rating of more than 14,000 pounds; (vii) any vehicle excluded from the definition of "motor vehicle" in chapter 90."; and in line 128, after the word "Disc", the following:- , or (iv) if the motor vehicle is a motorcycle, a system of diagnostic and repair information, the standards of which shall be substantially comparable to (i),(ii), or (iii) and shall be approved by the secretary of consumer affairs and business regulation.

The amendment was rejected.

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

Sent to the House for concurrence in the amendments.

Recess.

There being no objection, at twenty-four minutes before seven o'clock P.M., the President declared a recess, subject to the call of the Chair; and at nineteen minutes past seven o'clock P.M., the Senate reassembled, Mr. DiDomenico in the Chair (having been by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Suspension of Senate Rule 38A.

Mr. Ross moved that Senate Rule 38A be suspended to allow the Senate to meet beyond the hour of 8:00 P.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

PAPERS FROM THE HOUSE

Emergency Preambles Adopted

An engrossed Bill relative to price adjustments for certain materials in construction projects (see House, No. 3562, 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 2 to 0.

The bill was signed by the Acting President (Mr. DiDomenico) and sent to the House for enactment.

An engrossed Bill authorizing the division of capital asset management and maintenance to convey a certain parcel of land to the city of Boston (see House, No. 3771), 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 2 to 0.

The bill was signed by the Acting President (Mr. DiDomenico) and sent to the House for enactment.

Engrossed Bills.

The following engrossed bills (both of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. DiDomenico) and laid before the Governor for his approbation, to wit:

Repealing a certain law authorizing the town of Lincoln to grant a license for the sale of wines and malt beverages to be drunk on the premises (see House, No. 3527); and

Relative to the Cohasset Board of Sewer Commissioners (see House, No. 3671).

Recess.

There being no objection, at twenty-two minutes past seven o'clock P.M., the Chair (Mr. DiDomenico) declared a recess, subject to the call of the Chair; and at thirteen minutes past eight o'clock P.M., the Senate reassembled, Mr. DiDomenico in the Chair.

PAPER FROM THE HOUSE

Emergency Preambles Adopted

An engrossed Bill authorizing the town of Mashpee to convey an interest in certain town owned land to the town of Barnstable (see House, No. 3579), 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 2 to 0.

The bill was signed by the Acting President (Mr. DiDomenico) and sent to the House for enactment.

Recess.

There being no objection, at twenty-two minutes past eight o'clock P.M., the Chair (Mr. DiDomenico) declared a recess, subject to the call of the Chair; and at fourteen minutes before nine o'clock P.M., the Senate reassembled, Ms. Donoghue in the Chair (having been by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill authorizing the town of Norwood to make certain changes in the use of certain land for the construction and operation of a regional indoor ice skating rink and recreation center (see House, No. 3712, 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 2 to 0.

The bill was signed by the Acting President (Ms. Donoghue) and sent to the House for enactment.

Recess.

There being no objection, at thirteen minutes before nine o'clock P.M., the Chair (Ms. Donoghue) declared a recess, subject to the call of the Chair; and at two minutes past nine o'clock P.M., the Senate reassembled, Mr. Richard T. Moore in the Chair.

PAPERS FROM THE HOUSE

Engrossed Bills—Land Takings for Conservation Etc.

An engrossed Bill authorizing the transfer of certain parcels of land in the town of Littleton (see House, No. 3642) (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 three minutes past nine o'clock P.M., as follows, to wit (yeas 39 - nays 0) [Yeas and Nays No. 226]:

YEAS.

Barrett, Michael J. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Chang-Diaz, Sonia Moore, Michael O.
Clark, Katherine M. Moore, Richard T.
Creem, Cynthia Stone O'Connor Ives, Kathleen
DiDomenico, Sal N. Pacheco, Marc R.
Donnelly, Kenneth J. Petruccelli, 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.
Humason, Donald, Jr. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. – 39.
Joyce, Brian A.
NAYS – 0.

The President in the Chair, the yeas and nays having been completed at seven minutes past nine 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.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land to the city of Newton (see House, No. 3669, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eight minutes past nine o'clock P.M., as follows, to wit (yeas 39 - nays 0) [Yeas and Nays No. 227]:

YEAS.

Barrett, Michael J. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Chang-Diaz, Sonia Moore, Michael O.
Clark, Katherine M. Moore, Richard T.
Creem, Cynthia Stone O'Connor Ives, Kathleen
DiDomenico, Sal N. Pacheco, Marc R.
Donnelly, Kenneth J. Petruccelli, 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.
Humason, Donald, Jr. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. – 39.
Joyce, Brian A.
NAYS – 0.

The yeas and nays having been completed at twelve minutes past nine 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.

An engrossed Bill authorizing the town of Mashpee to convey an interest in certain town owned land to the town of Barnstable (see House, No. 3579, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at thirteen minutes past nine o'clock P.M., as follows, to wit (yeas 39 - nays 0) [Yeas and Nays No. 228]:

YEAS.

Barrett, Michael J. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Chang-Diaz, Sonia Moore, Michael O.
Clark, Katherine M. Moore, Richard T.
Creem, Cynthia Stone O'Connor Ives, Kathleen
DiDomenico, Sal N. Pacheco, Marc R.
Donnelly, Kenneth J. Petruccelli, 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.
Humason, Donald, Jr. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. - 39.
Joyce, Brian A.
NAYS - 0.

The yeas and nays having been completed at a quarter past nine 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.

An engrossed Bill authorizing the town of Norwood to make certain changes in the use of certain land for the construction and operation of a regional indoor ice skating rink and recreation center (see House, No. 3712, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at sixteen minutes past nine o'clock P.M., as follows, to wit (yeas 39 - nays 0) [Yeas and Nays No. 229]:

YEAS.

Barrett, Michael J. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Brownsberger, William N. Lovely, Joan B.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Chang-Diaz, Sonia Moore, Michael O.
Clark, Katherine M. Moore, Richard T.
Creem, Cynthia Stone O'Connor Ives, Kathleen
DiDomenico, Sal N. Pacheco, Marc R.
Donnelly, Kenneth J. Petruccelli, 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.
Humason, Donald, Jr. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. - 39.

Joyce, Brian A.
NAYS – 0.

The yeas and nays having been completed at nineteen minutes past nine o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Engrossed Bills.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land to the city of Boston (see House, No. 3771) (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.

An engrossed Bill relative to price adjustments for certain materials in construction projects (see House, No. 3562, 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 re-enacted and signed by the President and again laid before the Governor for his approbation.

Matter Taken Out of the Orders of the Day.

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

The House Bill authorizing the town of Barnstable to lease land for use as a for-profit museum (House, No. 3521),-- was read a third time and passed to be engrossed, in concurrence.

PAPERS FROM THE HOUSE.

A Bill authorizing the city of Springfield to exchange parcels of land (House, No. 3784, amended,-- on House, No. 3226),-- was read.

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

Emergency Preamble Adopted.

An engrossed Bill relative to automotive repair (see House, No. 3757, 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 20 to 0.

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

Engrossed Bills.

The following engrossed bills (the first of which originated in the Senate), 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:

Further regulating the simulcasting of horse races (see Senate, No. 1928); and

Relative to automotive repair (see House, No. 3757, amended).

Engrossed Bills—Land Takings for Conservation Etc.

An engrossed Bill to clarify the joint use and operation of Spectacle Island (see Senate, No. 1488) (which originated in the Senate), 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 thirteen minutes past ten o'clock P.M., as follows, to wit (yeas 38 - nays 0) [Yeas and Nays No. 230]:

YEAS.

Barrett, Michael J. Keenan, John F.

Brewer, Stephen M. Kennedy, Thomas P.

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. Petruccelli, 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, Jr. Timilty, James E.

Jehlen, Patricia D. Welch, James T.

Joyce, Brian A. Wolf, Daniel A. – 38.

NAYS – 0.

ABSENT OR NOT VOTING.

Clark, Katherine M. – 1.

The yeas and nays having been completed at seventeen minutes past ten 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.

An engrossed Bill authorizing the city of Gardner to convey certain land to the New England Power Company (see Senate, No. 1893) (which originated in the Senate), 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 eighteen minutes past ten o'clock P.M., as follows, to wit (yeas 38 - nays 0) [Yeas and Nays No. 231]:

YEAS.

Barrett, Michael J. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
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. Petrucci, 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, Jr. Timilty, James E.
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. – 38.

NAYS – 0.

ABSENT OR NOT VOTING.

Clark, Katherine M. – 1.

The yeas and nays having been completed at twenty-one minutes past ten 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.

An engrossed Bill designating and transferring certain land in the towns of Norfolk and Walpole for conservation, open space, water supply protection, and recreational purposes (see Senate, No. 1936) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-two minutes past ten o'clock P.M., as follows, to wit (yeas 38 - nays 0) [Yeas and Nays No. 232]:

YEAS.

Barrett, Michael J. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
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. Petrucci, 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, Jr. Timilty, James E.

Jehlen, Patricia D. Welch, James T.

Joyce, Brian A. Wolf, Daniel A. – 38.

NAYS – 0.

ABSENT OR NOT VOTING.

Clark, Katherine M. – 1.

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

Order Adopted.

On motion of Mr. Brewer,--

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

On motion of Mr. Humason, at twenty-six minutes past ten o'clock P.M., the Senate adjourned to meet again tomorrow at eleven o'clock A.M.