

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, December 5, 2013.

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

Communications.

The following communications were severally received and placed on file, to wit:

Communication from the Honorable Bruce E. Tarr, Minority Leader, announcing the following Republican appointments:

Minority Whip:	Senator Donald Humason of Second Hampden and Hampshire
Ranking Member Senate Ways and Means Committee:	Senator Richard J. Ross of Norfolk, Bristol and Middlesex

Communication from the Honorable John F. Keenan, Senate Chair of the Joint committee on Public Health announcing Senator Kathleen O'Connor Ives to serve as his designee (pursuant to Section 206 of Chapter 139 of the Acts of 2012) on the Special Commission on Chronic Obstructive Pulmonary Disease

Communication from the Honorable Bruce E. Tarr, Minority Leader, announcing the following committee appointments and changes:

SENATE COMMITTEES.

<i>Ethics and Rules -</i>	Tarr of Essex and Middlesex and Ross of Norfolk, Bristol and Middlesex
<i>Ways and Means -</i>	Ross of Norfolk, Bristol and Middlesex and Humason of Hampden and Hampshire
<i>Bills in the Third Reading -</i>	Tarr of Essex and Middlesex
<i>Post Audit and Oversight -</i>	Hedlund of Plymouth and Norfolk
<i>Bonding, Capital Expenditures and State Assets -</i>	Humason of Hampden and Hampshire
<i>Steering and Policy -</i>	Tarr of Essex and Middlesex

<i>Global Warming and Climate Change –</i>	Hedlund of Plymouth and Norfolk.
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JOINT COMMITTEES.

Children, Families and Persons with Disabilities –	Humason of Hampden and Hampshire
Community Development and Small Businesses –	Hedlund of Plymouth and Norfolk
Consumer Protection and Professional Licensure -	Humason of Hampden and Hampshire
Economic Development and Emerging Technologies –	Ross of Norfolk, Bristol and Middlesex
Education -	Ross of Norfolk, Bristol and Middlesex
Elder Affairs -	Hedlund of Plymouth and Norfolk
Election Laws -	Tarr of Essex and Middlesex
Environment, Natural Resources and Agriculture -	Hedlund of Plymouth and Norfolk
Financial Services -	Hedlund of Plymouth and Norfolk
Health Care Financing -	Tarr of Essex and Middlesex
Higher Education -	Ross of Norfolk, Bristol and Middlesex
Housing -	Tarr of Essex and Middlesex
The Judiciary -	Ross of Norfolk, Bristol and Middlesex
Labor and Workforce Development –	Hedlund of Plymouth and Norfolk
Mental Health and Substance Abuse -	Ross of Norfolk, Bristol and Middlesex
Municipalities and Regional Government -	Ross of Norfolk, Bristol and Middlesex
Public Health -	Humason of Hampden and Hampshire
Public Safety and Homeland Security -	Ross of Norfolk, Bristol and Middlesex
Public Service -	Humason of Hampden and Hampshire
State Administration and Regulatory Oversight –	Tarr of Essex and Middlesex
Revenue -	Humason of Hampden and Hampshire
Telecommunications, Utilities and Energy –	Humason of Hampden and Hampshire
Tourism, Arts and Cultural Development –	Hedlund of Plymouth and Norfolk
Transportation -	Hedlund of Plymouth and Norfolk
Veterans and Federal Affairs -	Humason of Hampden and Hampshire

Communication from the Honorable Therese Murray, President of the Senate, announcing the appointment of Senator Joan Lovely to the Special Commission established (pursuant to Chapter 313 of the Acts of 2010) to make an investigation and study of postpartum depression, replacing former Senator Stephen A. Tolman.

Communication from the Honorable Martin J. Benison, Comptroller, submitting (pursuant to Section 2E of Chapter 139 of the Acts of 2012) a revised Fiscal Year 2014 transfer schedule for item 1595-7066 (formerly 7066-0035) Massachusetts Science, Technology Engineering, and Mathematics Grant Fund (received in the Office of the Clerk of the Senate on Monday, December 2, 2013, at eight minutes past two o'clock P.M.)

Petitions.

Petitions were severally presented and referred as follows:

By Ms. Flanagan, a petition (subject to Joint Rule 12) of Jennifer L. Flanagan and Dennis A. Rosa for legislation to establish a sick leave bank for Juan Leon, an employee of the Department of Correction; and

By Mr. Richard T. Moore, a petition (subject to Joint Rule 12) of Richard T. Moore, Michael O. Moore, John F. Keenan, Brian

A. Joyce and other members of the General Court for legislation to designate June fourteenth as the birthday of the United States Army and June ninth as General Sylvanus Thayer Day;
Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Mr. Barrett, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill to provide for insurance coverage for vision screening for children (Senate, No. 43);
Referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Pacheco, for the committee on Environment, Natural Resources and Agriculture, on petition (accompanied by bill Senate, No. 1880), a Bill to improve drinking water and wastewater infrastructure (Senate, No. 1947);
Read and, under Senate 26C, referred to the committee on Bonding, Capital Expenditures and State Assets.

By Mr. Pacheco, for the committee on Environment, Natural Resources and Agriculture, on Senate No. 381 and House No. 658, a Bill to enhance the enforcement of illegal hunting practices (Senate, No. 1948);
Read and, under Senate Rule 27, referred to the committee on Ways and Means.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3797) of Peter J. Durant and Richard T. Moore (by vote of the town) that the town of Dudley be authorized to grant property tax abatements to residents who are in the military and serving on active duty in a foreign country,-- **was referred, in concurrence, to the committee on Veterans and Federal Affairs.**

A Bill relative to election laws (House, No. 3788,-- on Senate, Nos. 313 and 327 and House, Nos. 609, 610, 611 and 615),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Resolutions.

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

Resolutions (filed by Ms. Lovely) "congratulating Thomas Henry Dolan on the occasion of his one hundredth birthday"; and Resolutions (filed by Mr. Tarr) "commending the New England District of the Pancretan Association of America as it celebrates its hundredth anniversary of the Union of Crete and Greece."

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered, as follows:
The House Bill directing the Somerville Retirement Board to retire Mario Oliveira, a police officer of the city of Somerville (House, No. 3654),-- **was read a second time.**

Pending the question on ordering the bill to a third reading, Ms. Jehlen and Mr. Donnelly presented an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1949.

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.

Reports of Committees.

By Mr. Rosenberg, for the committee on Ethics and Rules, reported, that the following matter be placed in the Orders of the Day for the next session:

The House Bill validating the results of the annual election held in the town of Ipswich on May 21, 2013 (printed in House, No. 3717).

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, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act validating the results of the annual election held in the town of Ipswich".

By Mr. Brewer, for the committee on Ways and Means, that the House Bill relative to certain tanks used for the storage of fluids (House, No. 699, amended),-- **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. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Tina Giangregorio, an employee of the highway division of the Massachusetts Department of Transportation (Senate, No. 1863),-- **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. Sent to the House for concurrence.**

PAPERS FROM THE HOUSE.

The Senate Bill relative to relative to the release of a body by the medical examiner to a person charged with an offense which resulted in the death of the deceased (Senate, No. 1099, changed and 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 3759; and by striking out the title and inserting in place thereof the following title: "An Act relative to the release of a body by the medical examiner to a person suspected or charged with an offense which resulted in the death of the deceased."

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

Ms. Spilka presented a motion that the Senate concur in the House amendment with a further amendment, striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 1950; and by striking out the title and inserting in place thereof the following title: "An Act relative to the release of a body by the medical examiner to a person charged with or convicted of an offense which resulted in the death of the deceased".

The motion was accepted; and the amendment was adopted.

Sent to the House for concurrence in the further amendment.

The Senate Bill further regulating mercury management (Senate, No. 1758, 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 of House document numbered 3601, amended in section 1, in line 96, by striking out the following: "(iii) an evaluation of the effectiveness of the manufacturers collection program;"; by inserting after line 115 the following two paragraphs:

"(h) The department shall establish annual goals by December 31, 2013 for the collection and recycling of mercury-added thermostats for not less than a 10 year period. The department shall annually, no later than May 1, submit a report to the Joint Committee on the Environment, Natural Resources and Agriculture which includes: (i) an evaluation of the effectiveness of the manufacturer's collection programs; (ii) a determination of whether the goals for the previous calendar year have been met; and (iii) recommendations for program or legislative changes to achieve meeting the goals in future years.

(i) All established annual recycling goals, manufacturers' annual reports and department annual reports shall be posted on the department's public internet website."; and by striking out section 5."

Mr. Tarr moved that the Senate NON-concur in the House amendment and ask for a committee of conference on the disagreeing votes of the two branches.

Senators Brewer, Flanagan and Hedlund were appointed to the committee on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Engrossed Bill.

An engrossed Bill authorizing the town administrator of Southborough to sign warrants (see House, No. 3549) (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. Donnelly) and laid before the Governor for his approbation.

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.

Adjourn In Memory of Richard W. Carroll

The Senator from Middlesex, Mr. Donnelly, moved that when the Senate adjourns today, it do so in memory of Richard W. Carroll of Arlington.

Richard W. Carroll of Arlington was the beloved husband of Marie (Mueller) Carroll and devoted father of Theresa A. Wilson and her husband Jeff of Hyde Park, Susan Munchbach of Dedham and Richard W. Carroll Jr. and his wife Kristin of Plymouth. Richard was also the beloved Papa of Michael, Emily, Kayla, Megan, Kelley and Faith. He was a decorated Vietnam War Veteran and a retired member of the Arlington Police Department. As a proud veteran and a longstanding patrolman, Richard dedicated his life to the service of others. He did so with great love, humility and respect and he will be sorely missed by all who knew him.

Accordingly, as a mark of respect in memory of Richard W. Carroll, at fourteen minutes past eleven o'clock A.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.