

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 12, 2013.

Met at one minute past eleven o'clock A.M. (Ms. Donoghue 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. Donoghue), 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 Speaker of the House of Representatives and the President of the Senate submitting a Memorandum of Understanding between the General Court and the National Assembly of Quebec;

Communication from the Honorable Bruce E. Tarr, Minority Leader, announcing the appointment (pursuant to Section 11 of Chapter 46 of the Acts of 2013) of John M. Pourbaix, Jr. to the Project Selection Advisory Council; and

Communication from the Honorable Therese Murray, President of the Senate, announcing the appointment (pursuant to Section 11 of Chapter 46 of the Acts of 2013) of Mr. Jeffrey B. Mullan to the Project Selection Advisory Council.

Reports of Committees.

By Mr. Petrucci, for the committee on Financial Services, on petition, a Bill relative to patient financial protection (Senate, No. 477);

Referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Petrucci, for the committee on Financial Services, on petition (accompanied by bill, Senate, No. 440), a Bill relative to motor vehicle service contracts (Senate, No. 1952);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 774), a Bill to clear titles to foreclosed properties (Senate, No. 1953); and

By Ms. Clark, for the committee on the Judiciary, on petition, a Bill to establish a sick leave bank for Trina Higgins, an employee of the Trial Court (Senate, No. 1951);

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

By Ms. O'Connor Ives, for the committee on Tourism, Arts and Cultural Development, on petition, a Bill to designate Rex Trailer as the official cowboy of the Commonwealth (Senate, No. 1622);

By the same Senator, for the same committee, on petition, a Bill to designate volleyball as the official recreational and team sport of Massachusetts (Senate, No. 1627); and

By the same Senator, for the same committee, on petition, a Bill to make the quahog the official shellfish of the Commonwealth (Senate, No. 1629);

Severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3809) of Donald H. Wong (by vote of the town) that the town of Saugus be authorized to retire John Coburn, a police officer of said town,-- **was referred, in concurrence, to the committee on Public Service.**

A Bill establishing a sick leave bank for Laureen Doolan, an employee of the Department of Correction (House, No. 3738, amended,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Relative to the granting of special licenses for the sale of alcoholic beverages in the town of Lincoln (House, No. 3532,-- on petition) [Local approval received]; and

Relative to the town of Dennis Barrier Beach Protection Stabilization Fund (House, No. 3630,-- on petition) [Local approval received];

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

Resolutions.

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

Resolutions (filed by Messrs. Joyce, Keenan and Hedlund) "commending Leland Dingee for his dedicated service to the town of Braintree";

Resolutions (filed by Mr. Richard T. Moore) "congratulating the Sutton High School 'Sammies' Boys Varsity Soccer Team on winning the 2013 Massachusetts Division IV State Championship";

Resolutions (filed by Mr. Richard T. Moore) "congratulating the Sutton High School 'Suzies' Girls Varsity Soccer Team on winning the 2013 Massachusetts Division IV State Championship";

Resolutions (filed by Ms. Murray) "honoring the New Plimmoth Gard on its commitment to preserving the Commonwealth's Colonial History"; and

Resolutions (filed by Mr. Ross) "congratulating Lauren Savrin on receiving the Gold Award of the Girls Scouts of the United States of America."

PAPERS FROM THE HOUSE

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill establishing a sick leave bank for Cynthia Bouchard White, an employee of the Trial Court (see Senate, No. 1937), 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.

Subsequently, the bill, which originated in the Senate, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President (Ms. Donoghue) and laid before the Governor for his approbation.

Communication.

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS
SENATE
STATE HOUSE, BOSTON, MA 02133-1054

December 12, 2013

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

Dear Madame President:

This letter will serve as formal notice of my resignation from the State Senate representing the 5th Middlesex District, effective immediately. It has been a tremendous privilege to represent the people of Lynnfield, Malden, Melrose, Reading, Stoneham, Wakefield and Winchester as a State Representative and a State Senator.

I leave the Senate with great hope for the future and a deep appreciation for all we have accomplished together. I thank you, Minority Leader Tarr and all our Senate colleagues for your leadership, and I look forward to your continued partnership and friendship.

I also extend my sincere thanks to the Clerk of the Senate, the Senate Counsel, your staff team, the Court Officers, my staff and all the staff members of the legislature who so ably serve the people of Massachusetts.

As I depart the Senate for the United States Congress, I will carry forward the spirit of the Commonwealth, which has always stood as a beacon of equality, fairness, opportunity and innovation.

I thank you for all you do for the residents of our great state, and I wish you all the best.

Sincerely,
KATHERINE CLARK
State Senator, 5th Middlesex

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

Order Adopted.

Mr. Rosenberg offered the following order, to wit:

Ordered, That by the authority of article IV of section II of chapter I of the Constitution, the Senate declares that, by reason of the resignation of Katherine E. Clark as senator from the Fifth Middlesex district, the office of senator from the Fifth Middlesex district is vacant as of December 12, 2013. By the authority of article XXIV of the Amendments to the Constitution, the Senate directs the president of the Senate to issue a precept setting forth April 1, 2014, as the day for holding an election to fill the vacancy in the Fifth Middlesex district, comprising of the cities of Malden and Melrose, and the towns of Reading, Stoneham, Wakefield and Winchester, precincts 1 to 3, inclusive, and 8, in the county of Middlesex.

Under the rules, referred to the committee on Ethics and Rules.

Subsequently, Mr. Rosenberg, for the said committee, reported, recommending that the order ought to be adopted. The rules were suspended, on motion of Hedlund, and the order was considered forthwith and adopted.

Reports of Committees.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Anne Fiesinger, an employee of the Department of Conservation and Recreation (House, No. 3725),-- **ought to pass.**

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

By Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of 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.

Senate Rule 36 was suspended, on motion of Mr. Hedlund, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

By Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Gale D. Candaras and James T. Welch for legislation to ensure access to the Hampden County courts in the city of Springfield.

Senate Rule 36 was suspended, on motion of Mr. Hedlund, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight.

By Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of 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.

Senate Rule 36 was suspended, on motion of Mr. , and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3813) of Thomas A. Golden, Jr. and Eileen M. Donoghue for legislation to establish a sick leave bank for Robert A. Montalvo, an employee of the Department of Correction;

Under suspension of Joint Rule 12, to the committee on Public Service.

Petition (accompanied by bill, House, No. 3812) of Patricia A. Haddad for legislation to exempt non-prescription or over-the-counter drugs and medicines from the sales tax;

Under suspension of Joint Rule 12, to the committee on Revenue.

Engrossed Bills.

An engrossed Bill validating the results of the annual election held in the town of Ipswich (see House Bill, printed in House, No. 3717) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage was passed to be enacted, two-thirds of the members present having voted in the affirmative, and signed by the Acting President (Ms. Donoghue) and laid before the Governor for his approbation.

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 Acting President (Ms. Donoghue) and laid before the Governor for his approbation, to wit:

Increasing the membership of the board of selectmen of the town of Groveland (see Senate, No. 1799);

Relative to certain tanks used for the storage of fluids (see House, No. 699, amended); and

Authorizing the Retirement Board of the city of Somerville to retire Mario Oliveira, a police officer in the city of Somerville (see House, No. 3654, amended).

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill establishing a sick leave bank for Chrystal Bonner, an employee of the Executive Office of Health and Human Services (see House, No. 3750), 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.

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President (Ms. Donoghue) and laid before the Governor for his approbation.

Engrossed Bill.

An engrossed Bill authorizing the town of Petersham to borrow outside the debt limit for a certain town project (see Senate, No. 1844, amended) (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 Acting President (Ms. Donoghue) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Hedlund,--

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.

On motion of the same Senator, at twenty-one minutes past eleven o'clock A.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.