

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, December 24, 2014.

Met at four minutes past eleven o'clock A.M. (Mr. Petrucci in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Mr. Petrucci), members, guests and staff then recited the pledge of allegiance to the flag.

Reports.

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

Report of the Center for Health Information and Analysis (pursuant to Section 33 of Chapter 258 of the Acts of 2014) submitting a report on its review of mandated benefits relative to mental health and substance use disorder screening (received December 22, 2014);

Report of the Executive Office of the Trial Court (under the provisions of Section 5 of Chapter 205 of the Acts of 2008) submitting its report relative to the prosecution and disposition of offenses required under said chapter (received December 23, 2014); and

Report of the Special Commission on Educational Scholarships (under the provisions of Section 190 of Chapter 68 of the Acts of 2011, as amended by Section 27 of Chapter 359 of the Acts of 2014) submitting its report relative to the commonwealth's college scholarship system (copies having been forwarded as required to the Senate Committee on Ways and Means and the Joint Committee on Higher Education) (received December 23, 2014).

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4564) of Paul McMurtry and Michael F. Rush (by vote of the town) that the town of Dedham be authorized to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises,-- **was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.**

A Bill relative to the use of headlights (House, No. 4567,-- on House, Nos. 3088, 3092 and 3161),-- **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

A Bill amending the composition of the Stadium and Athletic Field Commission in the city of Malden (House, No. 4533,-- on petition) [Local approval received],-- **was 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 considered forthwith and adopted, as follows:-

Resolutions (filed by Ms. Spilka) "congratulating Nicolas Francis Paolini on his elevation to the rank of Eagle Scout."

PAPERS FROM THE HOUSE

Emergency Preamble Adopted

An engrossed Bill relative to pesticide licensing and mosquito control (see House, No. 3568, 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. Petrucci) and sent to the House for enactment.

Matters Taken Out of the Orders of the Day.

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

The Senate Bill relative to the financial condition of the town of Winchendon (Senate, No. 2405),-- **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.

The House Bill validating certain actions, proceedings and policies of the town of Ashby (House, No. 4100),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the appointment of special police officers in the town of Merrimac (House, No. 4224),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed.**

The House Bill authorizing the town of Wakefield to designate a check-off box on its tax bills for the Wakefield Veterans Relief Fund (House, No. 4512),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Wakefield to designate a check off box on its tax bills for the Wakefield Veterans Memorial and Patriotic Celebration Fund (House, No. 4513),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the city of Chicopee to amend its city charter (House, No. 4528),-- **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 amending the charter of the city of Chicopee".**

The House Bill relative to the Board of Health in the city of Chicopee (House, No. 4542),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to parking ticket fines in the town of Wellfleet (House, No. 4175),-- **was read a second time.**

Mr. Wolf presented an amendment striking out section 2 and inserting in place thereof the following 3 sections:-

"SECTION 2. Chapter 178 of the acts of 1993 is hereby repealed.

SECTION 3. Chapter 20 of the acts of 2004 is hereby repealed.

SECTION 4. This act shall take effect upon its passage."

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, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act relative to parking violations in the town of Wellfleet".

Sent to the House for concurrence in the amendment.

Reports of Committees.

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 a certain election held in the town of Chilmark (printed in House, No. 4543).

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 House Bill establishing a sick leave bank for Janet Frame, an employee of the Department of Developmental Services (House, No. 4539),-- **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.

PAPERS FROM THE HOUSE.

A Bill relative to the retirement benefits of the surviving spouse of the Honorable Jonathan Brant (House, No. 4250,-- on petition),-- **was read.**

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.

The Senate Bill regulating pharmacy audits (Senate, No. 2286, 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 4555.**

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

Mr. Welch presented a motion that the Senate concur with the House amendment with a further amendment, striking out section 2 and inserting in place thereof the following section:-

“SECTION 2. Section 226 of chapter 139 of the acts of 2012 is hereby amended by striking out the figure “2015” and inserting in place thereof the following figure:- 2017.”.

The motion was accepted; and the further amendment was adopted.

Sent to the House for concurrence in the further amendment.

Engrossed Bill – Amended.

An engrossed Bill modernizing the banking laws and enhancing the competitiveness of state-chartered banks (see House, No. 4110, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was laid before the Senate.

On motion of Mr. Tarr, Senate Rule 49 was suspended.

Mr. Brewer presented an amendment striking out, in section 5, in the second paragraph, the figure “1206” and inserting in place thereof the following figure:- “1026”; and

by striking out, in section 16, in subsection (d), the words “federal Community Reinvestment Act of 1977” and inserting in place thereof the following words:- “community reinvestment act in section 14”; and

by inserting after section 27 the following section:-

“SECTION 27A. The second paragraph of section 3 of said chapter 167B, as so appearing, is hereby amended by striking out the last sentence.”; and

by striking out, in section 30, in the definition of “financial institution”, the words:- “; provided, however, that “financial institution” shall mean a bank for the purposes of the first, second and third paragraphs of section 3 and for the purposes of section 4”; and

by striking out, in section 35, in the first paragraph of section 13 of proposed section 167D of the General Laws, the words “; provided, however, such” and inserting in place thereof the following words:- “. If, in the opinion of the commissioner, there is an unusual demand by depositors for withdrawals, the bank shall upon the commissioner’s order require such a depositor to give written notice of the depositor’s intention to withdraw the whole or any part of such deposits or to apply for a loan secured by such deposit. Such”; and

by striking out, in section 51 in the second paragraph of section 6 of chapter 167H of the General Laws, the word “consistent” and inserting in place thereof the following words:- “not inconsistent”; and

by striking out, in section 53, in the second sentence of section 21 of proposed chapter 167J of the General Laws, the word “consistent” and inserting in place thereof the following words:- “not inconsistent”; and

by adding the following section:- “SECTION 65. Notwithstanding any general or special law to the contrary, the Massachusetts gaming commission shall prohibit a gaming licensee from (i) installing, owning or operating an automated teller machine in the gaming area, as defined in section 2 of chapter 23K of the General Laws, or (ii) allowing another person to install, own or operate an automated teller machine in the gaming area, as defined in said section 2 of said chapter 23K. For the purposes of this section, the prohibition shall include, but not be limited to, an automated teller machine or electronic branch of any state or federally-chartered bank, state or federally-chartered credit union or foreign bank.”

The amendment was adopted.

Sent to the House for concurrence in the amendment.

Emergency Preamble Adopted

An engrossed Bill establishing a sick leave bank for Matthew McConville, an employee of the Department of Revenue (see House, No. 4541, 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. Petrucci) 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 Acting President (Mr. Petruccelli) and laid before the Governor for his approbation, to wit:

Relative to the Department of Public Works in the town of Carver (see Senate, No. 2365);
Relative to pesticide licensing and mosquito control (see House, No. 3568, amended),
Establishing a task force to protect Massachusetts children against child sexual abuse (see House, No. 4305, amended);
Relative to credit for reinsurance requirements (see House, No. 4326, amended);
Relative to retail licenses for the sale of all alcoholic beverages at continuing care retirement communities (see House, No. 4347, amended);
Relative to the leasing of certain land owned by the Worcester City Campus Corporation (see House, No. 4379);
Increasing the amount of money that may be borrowed by the Thorndike Fire and Water District in the town of Palmer (see House No. 4503);
Establishing a special events fund in the city of Boston (see House, No. 4530); and
Establishing a sick leave bank for Matthew McConville, an employee of the Department of Revenue (House, No. 4541, amended).

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.

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