

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 31, 2014.

Met at two 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) then led the members, guests and staff in the recitation of the pledge of allegiance to the flag.

Report.

A report of the Senate Committee on Ethics and Rules (pursuant to Senate Rule 12A) summarizing its activities for 2013-2014 Legislative Session,-- **was placed on file.**

Resolutions.

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

Resolutions (filed by Mr. Ross and Ms. Spilka) "congratulating Dustin Connors on his elevation to the rank of Eagle Scout"; and Resolutions (filed by Mr. Ross and Ms. Spilka) "congratulating Harry Weinman on his elevation to the rank of Eagle Scout".

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 authorizing the board of selectmen of the town of Clinton to appoint the town treasurer (Senate, No. 2377),-- **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 authorizing the board of selectmen of the town of Clinton to appoint the town collector (House, No. 4507),-- **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 Provincetown to designate a check-off box on its tax bills (House, No. 4534),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Reports of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a Massachusetts Seafood Marketing Program (Senate, No. 1979),-- **ought to pass, with an amendment substituting a new draft entitled "An Act regulating the processing of lobsters" (Senate, No. 2422).**

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

The bill (Senate, No. 2422) 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 Senate Bill establishing a sick leave bank for Marc Glazebrook, an employee of the Department of Correction (Senate, No. 2418),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Timilty, 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 House Bill relative to insurance holding companies (House, No. 4214),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Timilty, 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 relative to the sterilization of musical instruments in schools (House, No. 4384),-- **ought to pass, with an amendment striking out, in lines 5 and 6, the words “, while the musical wind instrument was sanitized, it may also” and inserting in place thereof the following words:- “the musical wind instrument may”.**

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

The bill, 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.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill authorizing the Massachusetts Water Resources Authority to release an easement upon certain real property in the city of Quincy (House, No. 4525),-- **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.

The Senate Bill further regulating town meeting notices (Senate, No. 2121),-- came from the House passed to be engrossed, in concurrence, with an amendment adding the following paragraph:

“(d) Within 10 days of a declaration to recess and continue a town meeting pursuant to this section, the emergency management director of the town in which the declaration was made shall submit a report to the attorney general that sets forth the reasons why the declaration was made.”

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

Mr. Tarr moved that the Senate concur with the House amendment with a further amendment striking the words “the emergency management director” (inserted by amendment by the House) and inserting in place thereof the following words:- “a local public safety official designated by the board of selectmen”.

The motion was accepted; and the amendment was adopted.

Sent to the House for concurrence in the further amendment.

Engrossed Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill to improve criminal laws relative to organized retail theft (see House, No. 1474) [for message, see House, No. 4276],— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading and as amended by the House as follows:-

In section 2, in subsection (d) of proposed section 30B of chapter 266 of the General Laws, by striking out, the words “allow the or removal” and inserting in place thereof the words “allow the removal”; and, subsection (a) of proposed section 30D of said chapter 266, by striking out the words “or merchandise”; and

By striking out section 3 and inserting in place thereof the following section:

“SECTION 3. Said chapter 266 is hereby further amended by striking out section 60, as appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

Section 60. Whoever buys, receives or aids in the concealment of stolen or embezzled property, knowing it to have been stolen or embezzled, or whoever with intent to defraud buys, receives or aids in the concealment of property, knowing it to have been obtained from a person by false pretense of carrying on a business in the ordinary course of trade or whoever obtains or exerts control over property in the custody of any law enforcement agency, or any individual acting on behalf of a law enforcement agency, which is explicitly represented to such person by any law enforcement officer or any individual acting on behalf of a law enforcement agency as being stolen and who intends to deprive its rightful owner permanently of the use and enjoyment of said property shall be punished as follows: if the value of such property does not exceed \$250, for a first offense by imprisonment in the house of correction for not more than 2 ½ years or by a fine of not more than \$1,000; if the value of such property does not exceed \$250, for a second or subsequent offense by imprisonment in the house of correction for not more than 2 ½ years or by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$5,000 or by both such fine and imprisonment; or if the value of such property exceeds \$250 by imprisonment in the house of correction for not more than 2 ½

years or by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$5,000 or by both such fine and imprisonment.

It shall not be a defense that the property was obtained by means other than through the commission of a theft offense if the property was explicitly represented to the accused as having been obtained through the commission of a theft offense.”.

The message, as amended 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.

The rules were suspended, on motion of Ms. Murray, and the Governor’s amendment, as amended was considered forthwith.

On motion of the same Senator, the Governor’s amendment, as amended, was adopted, in concurrence (as corrected BTR).

Sent to the House for re-enactment.

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 repealing the city of Lowell financial conditions act (House, No. 4550),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Report of a Committee.

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 relative to the sale of distilled spirits at auction (House, No. 4544).

There being no objection, the rules were suspended, on motion of Mr. Timilty, 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 relative to the sale of malt beverages and distilled spirits at auction”.

PAPER FROM THE HOUSE.

A Bill relative to direct wine shipper licenses (House, No. 4571,-- on House, No. 270),-- **was read.**

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Messrs. Wolf, Ross and Tarr moved that the bill be amended by striking out, in line 8, the second time it appears, the word “a” and inserting in place thereof the following word:- “each”; by striking out, in line 11, the second time it appears, the word “a” and inserting in place thereof the following word:- “each”; and by adding the following section:-

“SECTION 2. This act shall take effect as of January 1, 2014.”.

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.

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill relative to the sharing of information by the Registry of Motor Vehicles (House, No. 4521),-- ought to pass, with an amendment striking out, in line 18, the word “June” and inserting in place thereof the following word:- “September”; and by striking out, in line 19, the words “July 1, 2015” and inserting in place thereof the following words:- “January 1, 2016”.

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

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

Sent to the House for concurrence in the amendment.

PAPER FROM THE HOUSE.

The Senate Bill adjusting the number of racing days at Suffolk Downs (Senate, No. 2421),-- **came from the House passed to be engrossed, in concurrence, with an amendment in section 1, in line 6, by striking out the words: “July 31, 2016” and inserting in place thereof the following words:- “March 31, 2015”; in lines 6 and 7, by striking out the words: “December 31 of each year” and inserting in place thereof the following words:- “March 31”; and in section 3, in line 21, by striking out the words: “July 31, 2016” and inserting in place thereof the following words:- “March 31, 2015.”**

The rules were suspended, on motion of Mr. Ross, and the House amendment was considered forthwith and adopted, in concurrence (as corrected BTR).

Engrossed Bills.

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

Relative to the indemnification of certain fire districts (see House, No. 3953, amended);

Authorizing the Board of Selectmen of the town of Clinton to appoint the town collector (see House, No. 4507); and

Promoting housing and support services to unaccompanied homeless youths (see House, No. 4517, amended).

Emergency Preamble Adopted

An engrossed Bill adjusting the number of racing days at Suffolk Downs (see Senate, No. 2421, 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 5 to 0.**

The bill was signed by the Acting President (Mr. Petruccelli) 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:

Adjusting the number of racing days at Suffolk Downs (see Senate, No. 2421, amended);

Authorizing the town of Provincetown to designate a check-off box on its tax bills (see House, No. 4534); and

Repealing the city of Lowell Financial Conditions Act (see House, No. 4550).

The House Bill relative to direct wine shipper licenses (House, No. 4571, amended),-- came from the House with the endorsement that the House had concurred in the Senate amendment with a further amendment striking out all after the enacting clause and inserting in place thereof the following:

“Section 19B of chapter 138 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out all after the enacting clause and inserting in place thereof the following:

(g)(6) at wholesale in kegs, casks, barrels or bottles to a person licensed pursuant to section 12, 13 or 14; (7) at wholesale for the sole purpose of resale in containers in which wine was delivered to any person licensed pursuant to section 15; (8) at wholesale to a person licensed pursuant to 19 or 19B; (9) at wholesale to churches and religious societies, educational institutions, incorporated hospitals, homes for the aged, manufacturers of food products and manufacturers of drugs and chemicals pursuant to section 28; or (10) at wholesale to a registered pharmacist holding a certificate of fitness pursuant to section 30.”.

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

The House Bill modernizing the banking laws and enhancing the competitiveness of state-chartered banks (House, No. 4110, amended),-- came from the House with the endorsement that the House had NON-concurred in the Senate amendment 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.”;

NON-concurred in the Senate amendment 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 bill bore a further endorsement that the House had concurred in the Senate amendments striking out, in section 5, in the second paragraph, the figure “1206” and inserting in place thereof the following figure:- “1026”;

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

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”;

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";

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

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".

The rules were suspended, on motion of Mr. Tarr, and, on motion of the same Senator, the Senate receded from its amendments to sections 27A and 65.

Emergency Preamble Adopted

An engrossed Bill relative to direct wine shipper licenses (see House, No. 4571, 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 3 to 0.

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

Engrossed Bills.

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

Modernizing the banking laws and enhancing the competitiveness of state-chartered banks (see House, No. 4110, amended);

Relative to insurance holding companies (see House, No. 4214);

Relative to the sharing of information by the registry of motor vehicles (see House, No. 4521, amended);

Authorizing the Massachusetts Water Resources Authority to release an easement upon certain real property in the city of Quincy (see House, No. 4525);

Relative to the sale of malt beverages and distilled spirits at auction (see House, No. 4544); and

An engrossed Bill relative to direct wine shipments (see House, No. 4571, 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 enacted and signed by the Acting President (Mr. Petruccelli).**

An engrossed Bill to improve criminal laws relative to organized retail theft (see House, No. 1474, 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 Acting President (Mr. Petruccelli) and again laid before the Governor for his approbation.**

Order Adopted.

On motion of Mr. Timilty,--

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

Adjournment in Memory of Kevin Regan.

The Senator from Hampden and Hampshire, Mr. Humason, requested that when the Senate adjourns today, it adjourn in memory of Westfield Firefighter Kevin Regan.

Kevin Regan, the longest serving member of the Westfield Fire Department, was struck and tragically killed on Saturday, December 27, 2014.

Soon after graduating from the class of 1970 at Westfield High School, Regan entered the fire service at the age of 19. Regan gave more than forty-two years of service to the Department and the people of Westfield where he wore badge number one. Public service and public safety was his life's work.

He served as chairman of the Westfield Retirement Board and conference planner for Massachusetts Contributory Retirement Systems. Regan was also a former president of Westfield Firefighters Local 1111.

Kevin Regan leaves behind eight siblings — five brothers and three sisters. He came from a family of firefighters including his father, his sister Westfield Fire Chief Mary Regan, and a brother Fire Captain Christopher Regan.

Accordingly, as a mark of respect to the memory of Kevin Regan, at a half past three o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.