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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Monday, January 5, 2015.

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

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Marc Glazebrook, an employee of the Department of Correction (see Senate, No. 2418), 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 4 to 0.

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

Reports 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 validating the actions taken at a certain state election in the town of Mattapoisett (printed in House, No. 4511).

There being no objection, the rules were suspended, on motion of Mr. Donnelly, 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 promoting environmentally sound transportation of agricultural products (Senate, No. 1635),-- came from the House passed to be engrossed, in concurrence with amendments striking out all after the enacting clause and inserting in place thereof the following:-

“SECTION 1. Section 19A of chapter 90 of the General Laws is hereby amended by inserting after the word “chassis”, in line 126, as appearing in the 2012 Official Edition, the following words:- ; provided, further that such a vehicle operating under a general registration and general registration number plate issued to a farmer pursuant to section 5 may carry up to its gross weight rating.

SECTION 2. The registrar of motor vehicles shall promulgate any rules and regulations necessary to carry out section 1.

SECTION 3. Section 1 shall take effect March 1, 2015.”; 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 forthwith further regulations relative to weight limitations for certain vehicles, 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. Donnelly, and the House amendments were considered forthwith and adopted, in concurrence.

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

Petition (accompanied by bill, House, No. 4575) of Daniel Cullinane and Brian A. Joyce for legislation to establish a sick leave bank for David Ogar, an employee of the Department of Transportation;

Under suspension of Joint Rule 12, to the committee on Public Service. Petition (accompanied by bill, House, No. 4574) of Gailanne M. Cariddi and Benjamin B. Downing for legislation to designate a certain bridge in the town of Lanesborough as the Sergeant Gregory Aloysius Noonan Bridge;

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

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Sharon Jones, an employee of the Department of Environmental Protection (Senate, No. 2413),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2423).

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

The bill (Senate, No. 2423) 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

Engrossed Bills.

An engrossed Bill establishing a sick leave bank for Marc Glazebrook, an employee of the Department of Correction (see Senate, No. 2418) (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 (Mr. Petruccelli) and laid before the Governor for his approbation.**

An engrossed Bill relative to sterilization of musical instruments in schools (see House, No. 4384, 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 the question of passing the engrossed bill to be enacted objection was made thereto by Mr. Donnelly.

Under Senate Rule 26, the engrossed bill was placed in the Orders of the Day for the next session.

Motion to Reconsider.

There being no objection, on motion of Mr. Tarr, the Senate reconsidered the vote by which, it had passed to be enacted the engrossed Bill relative to direct wine shipper licenses (see House, No. 4571, amended).

On motion of the same Senator, Senate Rule 49 was suspended.

Mr. Wolf presented an amendment that the engrossed bill be amended by striking out the text and inserting in place thereof the following text:-

“Subsection (g) of section 19B of chapter 138 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following 5 clauses:-

(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 section 19 or this section;

(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.”

After remarks, the amendment was adopted.

Sent to the House for concurrence in the amendment.

The Senate Bill regulating notaries public to protect consumers and the validity and effectiveness of recorded instruments (Senate, No. 2306),-- came from the House passed to be engrossed, in concurrence with amendments in section 3, in proposed section 1 of chapter 222 of the General Laws, by inserting after the definition of “notarial act” or “notarization” the following definition:-

“Notarial certificate” or “certificate”, the part of or attachment to a notarized document for completion by the notary that bears the notary’s signature and seal and states the venue, date and facts that are attested by the notary in a particular notarial act or notarization.”;

In said section 3 lines 75 and 76, by striking out the words “the secretary of the commonwealth”;

In section 7, in proposed section 16, in subsection (a), by striking out clause (vi) and inserting in place thereof the following clause:-

“(vi) the notary public will receive as a direct result of the notarial act any commission, fee, advantage, right, title, interest, cash, property or other consideration exceeding the maximum fees provided in [section 41 of chapter 262 or any other general or special law or executive order] or has any financial interest in the subject matter of the document; provided, however, that this section shall not preclude a notary public who is licensed as an attorney in the commonwealth or who is employed by an attorney so licensed from notarial acts relative to any document in connection with which the attorney receives a legal fee for professional legal services; or”;

In said section 7, as published, in line 348, by striking out, in line 348, the figure “24” and inserting in place thereof the following words “section 41 of chapter 262 or any other general or special law or executive order”.

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

The Senate Bill to clarify the definition of a personal care attendant (Senate, No. 2277),-- came from the House passed to be engrossed, in concurrence with an amendment striking out section 1.

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

Recess.

There being no objection, at a quarter past twelve o'clock noon, the Chair (Mr. Petrucci) declared a recess subject to the call of the Chair; and, at two minutes before four P.M., the Senate reassembled Mr. Petrucci the Chair.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill promoting environmentally sound transportation of agricultural products (see Senate, No. 1635, 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.

An engrossed Bill validating the actions taken at a certain state primary election in the town of Mattapoisett (see House Bill, printed in House, No. 4511) (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 (Mr. Petrucci) and laid before the Governor for his approbation.**

The following engrossed bills (the first seven 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. Petrucci) and laid before the Governor for his approbation, to wit:

Exempting the Harbor and Shellfish Advisory Board membership from conflict of interest regarding discussion of shellfish licensing (see Senate, No. 979);

Designating a certain bridge in the town of Barre as the U.S.N. S2/C Basil D. Izzi Memorial Bridge (see Senate, No. 2043),

To clarify the definition of a personal care attendant (see Senate, No. 2277, amended);

Regulating notaries public to protect consumers and the validity and effectiveness of recorded instruments (see Senate, No. 2306, amended);

Authorizing the appointment of special police officers in the town of Dartmouth (see Senate, No. 2363, amended);

Authorizing certain investments by the treasurer of the city of Peabody (see Senate No. 2382);

Authorizing the town of Falmouth to expend borrowed funds to offset certain costs associated with the installation of low pressure pumps on private property in the Little Pond Sewer Service Area (see Senate, No. 2412); and

Relative to parking violations in the town of Wellfleet (House, No. 4175, amended).

A Bill relative to the Milford Water Company (House, No. 4531,-- on petition),-- was read.

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

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 House Bill establishing a reserve fund in the town of Hingham (House, No. 4476),-- **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 town of Hingham to establish a reserve fund for certain special education costs”.

The Senate Bill relative to the special election in the city known as the town of Greenfield (Senate, No. 2406),-- was read a second time.

Mr. Rosenberg presented an amendment substituting a new draft with the same title (Senate, No. 2425).

The amendment was adopted.

The bill (Senate, No. 2425) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

Communication.

A communication from Honorable Counsel to House and Counsel to the Senate (pursuant to Section 53 of Chapter 3 of the General Laws) submitting proposed legislation making corrective changes in certain general and special laws (Senate, No. 2424),-- was read.

There being no objection, the rules were suspended, on motion of Ms. Murray, and the bill (printed in Senate, No. 2424) 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.

Order Adopted.

On motion of Ms. Murray,-- *Ordered*, That when the Senate adjourns today, it adjourn to meet again tomorrow 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-five minutes past four o'clock P.M., the Senate adjourned to meet again tomorrow at eleven o'clock A.M.