

**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, March 5, 2015.*

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

#### *Communications.*

Communication from the Massachusetts Gaming Commission (under the provisions of Section 9B of Chapter 128A of the General Laws) submitting proposed regulations governing supplemental licensure procedures for 205 CMR 14.00 (Senate, No. 17) (received Friday, February 27, 2015),-- **was referred to the committee on Consumer Protection and Professional Licensure.**  
**Sent to the House for concurrence.**

Communication from the Sheriff of Hampden County relative to a plan of correction for the Western MA Regional Women's Correctional Center (received March 3, 2015),-- was placed on file.

#### *Reports.*

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

Report of Berkshire Community College (pursuant to Section 9 of Chapter 2 of the Acts of 2015) submitting its report on required reductions by appropriations (received March 2, 2015);

Report of the Department of Elementary and Secondary Education (pursuant to Chapter 159 of the Acts of 2000) submitting a report entitled: Annual Report on Students with Disabilities 2013-2014 (received March 2, 2015);

Report of the Massachusetts Capital Resource Company (pursuant to Section 20 of Chapter 816 of the Acts of 1977) submitting its thirty-eighth report (received March 3, 2015);

Report of Roxbury Community College (pursuant to Section 9 of Chapter 2 of the Acts of 2015) submitting its report on required reductions by appropriations (received March 4, 2015); and

Report of the Plymouth County Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003 and Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received March 5, 2015).

#### *Petitions.*

Petitions were severally presented and referred as follows:

By Mr. Donnelly (by request), a petition (subject to Joint Rule 12) (accompanied by bill) of Javad Fakharzadeh for legislation relative to traffic enforcement cameras;

By Ms. Gobi, a petition (subject to Joint Rule 12) (accompanied by bill) of Anne M. Gobi for legislation relative to standards for protective headgear for operators or passengers on motorcycles;

By Mr. Hedlund, a petition (subject to Joint Rule 12) (accompanied by bill) of Robert L. Hedlund for legislation relative to trigeminal neuralgia awareness month;

By Mr. Joyce (by request), a petition (subject to Joint Rule 12) (accompanied by bill) of Laura Russell for legislation relative to informed consent to the use of dental amalgam;

By the same Senator (by request), a petition (subject to Joint Rule 12) (accompanied by bill) of Richard Regan for legislation relative to motor vehicle homicide sentencing;

By the same Senator (by request), a petition (subject to Joint Rule 12) (accompanied by bill) of Michael Hyde for legislation relative to wire-tapping in the Commonwealth;

By the same Senator (by request), a petition (subject to Joint Rule 12) (accompanied by bill) of Patrick VanTyle for legislation relative to adult motorcycle helmet choice;

By Mr. Tarr (by request), a petition (subject to Joint Rule 12) (accompanied by bill) of Thomas Beaton for legislation relative to hardship licenses for first time offenders; and

By the same Senator, a petition (subject to Joint Rule 12) (accompanied by bill) of Bruce E. Tarr, Robert L. Hedlund, Richard J. Ross, Donald F. Humason, Jr. and other members of the General Court for legislation relative to the creation of the Massachusetts Bay Transportation Authority Finance Control Board;

**Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

#### **PAPER FROM THE HOUSE.**

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at the annual town and special state elections held in the town of Westborough (House, No. 59),-- **was referred, in concurrence, to the committee on Election Laws.**

Notice was received from the House announcing the following Majority and Minority appointments:

That Representative Frost of Auburn to the position of Third Assistant Minority Leader; and that, notwithstanding a previous announcement, Representative Harrington of Groton had been appointed as the ranking Republican member on the committee on Rules, replacing Representative Frost of Auburn.

#### *House Standing Committees.*

House standing committees were appointed as follows:—

*Rules.* — Representatives Galvin of Canton, Mark of Peru, Rushing of Boston, Petrolati of Ludlow, Kafka of Stoughton, Wagner of Chicopee, Mariano of Quincy, Story of Amherst, Bradley of Hingham, Donato of Medford, Haddad of Somerset, Moran of Boston, Harrington of Groton, Frost of Auburn and Vieira of Falmouth.

*Ways and Means.*— Representatives Dempsey of Haverhill, Kulik of Worthington, Swan of Springfield, Scaccia of Boston, Miceli of Wilmington, Fox of Boston, Petrolati of Ludlow, Koczera of New Bedford, Garry of Dracut, Balsler of Newton, Stanley of Waltham, Pignatelli of Lenox, Campbell of Methuen, Garballey of Arlington, Cantwell of Marshfield, Dykema of Holliston, Madden of Nantucket, Devers of Lawrence, Brodeur of Melrose, Chan of Quincy, Collins of Boston, Finn of West Springfield, Holmes of Boston, Walsh of Framingham, Cronin of Easton, Decker of Cambridge, Roy of Franklin, Silvia of Fall River, Smola of Warren, D’Emilia of Bridgewater, Boldyga of Southwick, Campanale of Leicester, Dooley of Norfolk, Durant of Spencer, Ferguson of Holden and Wong of Saugus.

*Bills in the Third Reading.* — Representatives Speliotis of Danvers, Madden of Nantucket and D’Emilia of Bridgewater.

*Bonding, Capital Expenditures and State Assets.* — Representatives Cabral of New Bedford, Brady of Brockton, Scaccia of Boston, Dwyer of Woburn, Cutler of Duxbury, Heroux of Attleboro, Moran of Lawrence, Donahue of Worcester, DuBois of Brockton, Vieira of Falmouth and Boldyga of Southwick.

*Ethics.* — Representatives Markey of Dartmouth, Roy of Franklin, Rushing of Boston, Bradley of Hingham, Donato of Medford, Haddad of Somerset, Kocot of Northampton, Poirier of North Attleborough, Barrows of Mansfield, Lombardo of Billerica and Mirra of West Newbury.

*Global Warming and Climate Change.* — Representatives Smizik of Brookline, Decker of Cambridge, Provost of Somerville, Calter of Kingston, Hecht of Watertown, Farley-Bouvier of Pittsfield, Gordon of Bedford, Zlotnik of Gardner, Gentile of Sudbury, Diehl of Whitman and O’Connell of Taunton.

*Personnel and Administration.* — Representatives McMurty of Dedham, Collins of Boston, Rogers of Norwood, Garry of Dracut, Ashe of Longmeadow, Mannal of Barnstable, Vega of Holyoke, Barber of Somerville, Kelcourse of Amesbury, Berthiaume of Spencer, Lyons of Andover and Muradian of Grafton.

*Post Audit and Oversight.* — Representatives Linsky of Natick, Fennell of Lynn, Stanley of Waltham, Cronin of Easton, Cutler of Duxbury, Cullinane of Boston, Crighton of Lynn, Day of Stoneham, Durant of Spencer and O’Connell of Taunton.

*Redistricting.* — Representatives Coppinger of Boston, Ashe of Longmeadow, Fox of Boston, Garry of Dracut, Timilty of Milton, Pignatelli of Lenox, Collins of Boston, Mannal of Barnstable, Tosado of Springfield, Dooley of Norfolk and Frost of Auburn.

*Steering, Policy and Scheduling.* — Representatives Nangle of Lowell, Koczera of New Bedford, Ayers of Quincy, Ashe of Longmeadow, Dwyer of Woburn, Farley-Bouvier of Pittsfield, DiZoglio of Methuen, Heroux of Attleboro, McGonagle of Everett, Hill of Ipswich and Gifford of Wareham.

*Technology and Intergovernmental Affairs.* — Representatives Cusack of Braintree, Rogers of Cambridge, Balsler of Newton, Garballey of Arlington, Collins of Boston, Moran of Lawrence, Gentile of Sudbury, Ryan of Boston, Lombardo of Billerica and Kuros of Uxbridge.

*Floor Division Committees,* — First Division Chairperson, Representative Moran of Boston; Second Division Chairperson, Representative Kafka of Stoughton; Third Division Chairperson, Representative Peake of Provincetown; and Fourth Division Chairperson, Representative Story of Amherst.

#### *Joint Standing Committees.*

*Children, Families and Persons with Disabilities.* — Representatives Khan of Newton, Vega of Holyoke, Rogers of Norwood, Dykema of Holliston, Gregoire of Marlborough, Hecht of Watertown, Farley-Bouvier of Pittsfield, Rogers of Cambridge, DuBois of Brockton, O’Connell of Taunton and Ferguson of Holden.

*Community Development and Small Businesses.* — Representatives Ferrante of Gloucester, Chan of Quincy, Calter of Kingston, Rosa of Leominster, Moran of Lawrence, Zlotnik of Gardner, Livingstone of Boston, Crighton of Lynn, Gonzalez of Springfield, Mirra of West Newbury and D’Emilia of Bridgewater.

*Consumer Protection and Professional Licensure.* — Representatives Benson of Lunenburg, Moran of Lawrence, Arciero of Westford, Chan of Quincy, Zlotnik of Gardner, Hunt of Boston, Vincent of Revere, Carvalho of Boston, Tosado of Springfield, Howitt of Seekonk and McKenna of Webster.

*Economic Development and Emerging Technologies.* — Representatives Wagner of Chicopee, Cariddi of North Adams, Calter of Kingston, Campbell of Methuen, Vega of Holyoke, Carvalho of Boston, Fiola of Fall River, Vincent of Revere, Crighton of Lynn, Gonzalez of Springfield, Orrall of Lakeville, Kuros of Uxbridge and Kelcourse of Amesbury.

*Education.* — Representatives Peisch of Wellesley, Gregoire of Marlborough, Koczera of New Bedford, Rogers of Norwood, Devers of Lawrence, DiZoglio of Methuen, Day of Stoneham, Mom of Lowell, Tucker of Salem, Ferguson of Holden and Kelcourse of Amesbury.

*Elder Affairs.* — Representatives Garlick of Needham, Fox of Boston, Miceli of Wilmington, Ayers of Quincy, Hecht of Watertown, Cullinane of Boston, Gentile of Sudbury, McGonagle of Everett, Ultrino of Malden, Whipps Lee of Athol, Cole of Peabody.

*Election Laws,* — Representatives Mahoney of Worcester, Gordon of Bedford, Miceli of Wilmington, DiNatale of Fitchburg, Ashe of Longmeadow, Rosa of Leominster, DiZoglio of Methuen, Hunt of Boston, Mom of Lowell, Frost of Auburn and Lombardo of Billerica.

*Environment, Natural Resources and Agriculture.*— Representatives Schmid of Westport, Mannal of Barnstable, Koczera of New Bedford, Cantwell of Marshfield, Dykema of Holliston, Cutler of Duxbury, Keefe of Worcester, Livingstone of Boston, Barber of Somerville, Berthiaume of Spencer and Kelcourse of Amesbury.

*Financial Services.* — Representatives Michlewitz of Boston, Lawn of Watertown, Cantwell of Marshfield, Gregoire of Marlborough, Madden of Nantucket, Holmes of Boston, Walsh of Framingham, Cullinane of Boston, Tosado of Springfield, Wong of Saugus and Dooley of Norfolk.

*Health Care Financing.* — Representatives Sánchez of Boston, Ehrlich of Marblehead, Brodeur of Melrose, Finn of West Springfield, Decker of Cambridge, Cullinane of Boston, Hunt of Boston, Barber of Somerville, Ultrino of Malden, Barrows of Mansfield, Muratore of Plymouth and Campanale of Leicester.

*Higher Education.* — Representatives Sannicandro of Ashland, Garballey of Arlington, Pignatelli of Lenox, Provost of Somerville, Calter of Kingston, DiNatale of Fitchburg, Arciero of Westford, Zlotnik of Gardner, Gentile of Sudbury, Muradian of Grafton and Whelan of Brewster.

*Housing.* — Representatives Holmes of Boston, Dykema of Holliston, Dever of Lawrence, Decker of Cambridge, Rogers of Cambridge, Livingstone of Boston, Gonzalez of Springfield, McGonagle of Everett, Diehl of Whitman and DeCoste of Norwell.

*The Judiciary.* — Representatives Fernandes of Milford, Cronin of Easton, Garry of Dracut, Roy of Franklin, Velis of Westfield, Carvalho of Boston, Day of Stoneham, Gonzalez of Springfield, Tucker of Salem, Harrington of Groton and Lyons of Andover.

*Labor and Workforce Development.* — Representatives Scibak of South Hadley, Devers of Lawrence, Rogers of Norwood, Gregoire of Marlborough, Keefe of Worcester, Roy of Franklin, Donahue of Worcester, Ryan of Boston, McKenna of Webster and Orrall of Lakeville.

*Mental Health and Substance Abuse.* — Representatives Malia of Boston, Scaccia of Boston, Balsler of Newton, Rosa of Leominster, DiZoglio of Methuen, Farley-Bouvier of Pittsfield, Fiola of Fall River, Day of Stoneham, Tosado of Springfield, Hunt of Sandwich and Whipps Lee of Athol.

*Municipalities and Regional Government.* — Representatives O’Day of West Boylston, Stanley of Waltham, Timilty of Milton, DiNatale of Fitchburg, Garballey of Arlington, Heroux of Attleboro, Rogers of Cambridge, Fiola of Fall River, Kuros of

Uxbridge and Whipps Lee of Athol.

*Public Health*, — Representatives Hogan of Stow, Balser of Newton, Hecht of Watertown, Keefe of Worcester, Velis of Westfield, Barber of Somerville, Crighton of Lynn, Tucker of Salem, Ultrino of Malden, Lyons of Andover and Cole of Peabody.

*Public Safety and Homeland Security*. — Representatives Naughton of Clinton, Campbell of Methuen, Ayers of Quincy, Cantwell of Marshfield, Dwyer of Woburn, Heroux of Attleboro, Silvia of Fall River, Mom of Lowell, Tucker of Salem, Vieira of Falmouth and Whelan of Brewster.

*Public Service*. — Representatives Murphy of Weymouth, Walsh of Framingham, Miceli of Wilmington, Brodeur of Melrose, Holmes of Boston, Vega of Holyoke, Fiola of Fall River, DuBois of Brockton, Whelan of Brewster and DeCoste of Norwell.

*Revenue*. — Representatives Kaufman of Lexington, Toomey of Cambridge, Petrolati of Ludlow, Timilty of Milton, Stanley of Waltham, Provost of Somerville, Arciero of Westford, Dwyer of Woburn, Silvia of Fall River, Hunt of Sandwich and Dooley of Norfolk.

*State Administration and Regulatory Oversight*. — Representatives Kocot of Northampton, Puppolo of Springfield, Provost of Somerville, Campbell of Methuen, Gordon of Bedford, Livingstone of Boston, Hunt of Boston, DuBois of Brockton, Cole of Peabody and Muratore of Plymouth.

*Telecommunications, Utilities and Energy*. — Representatives Golden of Lowell, Brodeur of Melrose, Petrolati of Ludlow, Chan of Quincy, Cutler of Duxbury, Cronin of Easton, Velis of Westfield, Mom of Lowell, Donahue of Worcester, Mirra of West Newbury and Hunt of Sandwich.

*Tourism, Arts and Cultural Development*. — Representatives Atkins of Concord, Pignatelli of Lenox, Ayers of Quincy, DiNatale of Fitchburg, Finn of West Springfield, Keefe of Worcester, Mannal of Barnstable, Ultrino of Malden, Vincent of Revere, Muratore of Plymouth and Howitt of Seekonk.

*Transportation*. — Representatives Straus of Mattapoisett, Finn of West Springfield, Madden of Nantucket, Walsh of Framingham, Gordon of Bedford, Donahue of Worcester, Ryan of Boston, Vincent of Revere, Carvalho of Boston, McGonagle of Everett, Howitt of Seekonk, Muradian of Grafton and Diehl of Whitman.

*Veterans and Federal Affairs*. — Representatives Parisella of Beverly, Silvia of Fall River, Scaccia of Boston, Fox of Boston, Timilty of Milton, Arciero of Westford, Rosa of Leominster, Ryan of Boston, Velis of Westfield, DeCoste of Norwell and Berthiaume of Spencer.

#### *Resolutions.*

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

Resolutions (filed by Ms. L'Italien) "congratulating Vilma Lora on being named the recipient of the 2015 International Woman of the Year Award."

#### *Petitions.*

On motion of Mr. Ross, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Ross, (accompanied by bill) of Richard J. Ross and Shawn Dooley for legislation to establish a sick leave bank for James O'Brien, an employee of the Department of Developmental Services,— **and the same was referred to the committee on Ways and Means.**

**Sent to the House for concurrence.**

On motion of Mr. Ross, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Ross, (accompanied by bill) of Richard J. Ross and Shawn Dooley for legislation to establish a sick leave bank for Candida Leonard, an employee of the Department of Corrections,— **and the same was referred to the committee on Ways and Means.**

**Sent to the House for concurrence.**

### **PAPERS FROM THE HOUSE**

#### *Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Audrey Graham Smith, an employee of the Executive Office of Health and Human Services (see Senate, No. 15), 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. Timilty) 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. Timilty) and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Audrey Graham Smith, an employee of the Executive Office of Health and Human Services (see Senate, No. 15); and

Establishing a sick leave bank for Lisa Carlson, an employee of the Department of the State Police (see House, No. 46, amended).

A petition (accompanied by bill) of Richard J. Ross and Shawn Dooley for legislation to establish a sick leave bank for James O'Brien, an employee of the Department of Developmental,-- **came from the House with endorsement that the House NON-concurred in the suspension of Joint Rule 12.**

**On motion of Mr. Ross, the Senate reconsidered its referral to the committee on Ways and Means; and, on further motion of the same Senator, the Senate referred the matter to the committee on Public Service. Sent to the House for concurrence.**

A petition (accompanied by bill) of Richard J. Ross and Shawn Dooley for legislation to establish a sick leave bank for Candida Leonard, an employee of the Department of Corrections,-- **came from the House with endorsement that the House NON-concurred in the suspension of Joint Rule 12.**

**On motion of Mr. Ross, the Senate reconsidered its referral to the committee on Ways and Means; and, on further motion of the same Senator, the Senate referred the matter to the committee on Public Service. Sent to the House for concurrence.**

#### *Emergency Preambles Adopted*

An engrossed Bill establishing a sick leave bank for James Goguen, an employee of the Department of Developmental Services (see Senate, No. 10), 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. Timilty) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Matthew Arpano, an employee of the Department of Correction (see Senate, No. 16), 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. Timilty) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Robert Paterwic, an employee of the Department of Industrial Accidents (see House, No. 48, 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. Timilty) and sent to the House for enactment.**

#### *Engrossed Bills.*

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

Establishing a sick leave bank for James Goguen, an employee of the Department of Developmental Services (see Senate, No. 10);

Establishing a sick leave bank for Matthew Arpano, an employee of the Department of Correction (see Senate, No. 16); and  
Establishing a sick leave bank for Robert Paterwic, an employee of the Department of Industrial Accidents (see House, No. 48, amended).

#### *Order Adopted.*

On motion of Mr. Ross,--

*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-three minutes past twelve o'clock noon, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.