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# UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



## JOURNAL OF THE SENATE.

*Monday, December 17, 2012.*

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

### *Distinguished Guests.*

There being no objection, the Chair (Mr. Donnelly) introduced, seated in the rear of the Chamber, members of the Visiting Nurses Association Hospice Care of Woburn. The following members were recognized for their hard work and dedication: Executive Director Diane Bergeron, Medical Director Dr. James Baker, Clinical Manager Laurie Roth, Clinical Manager Cindy MacHenry, Development Marketing Manager Carol Keesecker, Executive Director of Hospice Palliative Care Federation of Massachusetts Christine McMichael and Lobbyist for the Palliative Care Federation Elaine O'Reilly.

## PAPERS FROM THE HOUSE.

### Bills

Relative to health insurance benefits in the city of Lawrence (House, No. 3857,-- on petition) [Local approval received];  
Regulating portable electronics insurance (House, No. 4351,-- on House, No. 3954); and  
Providing incentives for productive workers compensation audits (House, No. 4357, amended,-- on House, No. 532);  
**Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means**

### Bills

Providing for recall elections in the town of Wales (House, No. 4281,-- on petition) [Local approval received];  
Establishing a library building fund for the town of Wales (House, No. 4282,-- on petition) [Local approval received];  
Authorizing the town of North Andover to grant an additional license for the sale of all alcoholic beverages not to be drunk of the premises (House, No. 4308,-- on petition) [Local approval received]; and  
Increasing Board of Selectmen membership in the town of Sudbury from three to five (House, No. 4528, amended) [Local approval received];  
**Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

A Bill relative to financial services contracts for dental benefits corporations (House, No. 4265,-- on House, No. 3916),-- **was read.**  
**There being no objection, the rules were suspended, on motion of Mr. Ross, and the bill was read a second time, ordered to a third reading and read a third time.**  
Pending the question on passing the bill to be engrossed, Mr. Ross made objection and the matter was postponed until the next session.

### *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 making technical corrections to the charter of the town of Greenfield (Senate, No, 2421),-- **was read second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act making technical corrections to the charter of the city known as the town of Greenfield".**  
**Sent to the House for concurrence.**

The Senate Bill making a certain technical correction to the charter of the town of Greenfield (Senate, No, 2422),-- **was read second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act making a certain technical correction to the charter of the city known as the town of Greenfield".**  
**Sent to the House for concurrence.**

The Senate Bill clarifying the title of a certain section of the charter of the town of Greenfield (Senate, No, 2423),-- **was read second time, ordered to a third reading, read a third time and passed to be engrossed, 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 known as the town of Greenfield to make a certain technical correction”.**

**Sent to the House for concurrence.**

The Senate Bill clarifying language for the selection of school committee chairs and vice-chairs in the town of Greenfield (Senate, No, 2424),-- **was read second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act making a technical correction in the charter of the city known as the town of Greenfield relative to school committee officers”.**

**Sent to the House for concurrence.**

The Senate Bill relative to bylaws in the town of Greenfield (Senate, No, 2425),-- **was read second time, ordered to a third reading and read a third time.**

**Ms. Creem, for the committee on Bills in the Third Reading, reported, recommending that the bill be amended by substituting a new draft entitled “An Act making technical corrections to the charter of the city known as the town of Greenfield” (Senate, No. 2473).**

**The amendment was adopted.**

**The bill (Senate, No. 2473) was then passed to be engrossed.**

**Sent to the House for concurrence.**

The Senate Bill relative to interdepartmental transfers in the town of Greenfield (Senate, No, 2429),-- **was read second time, ordered to a third reading, read a third time and passed to be engrossed, 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 known as the town of Greenfield to further regulate the interdepartmental transfers of funds.”**

**Sent to the House for concurrence.**

The House Bill relative to the finance committee of the town of Provincetown (House, No. 4477),-- **was read second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

**Reports of a Committee.**

**Mr. Berry, 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 designating a certain bridge in the town of Framingham as the Greg Vilidnitsky Bridge (House, No. 3572).**

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

**Mr. Berry, 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 annual town meeting in the town of Blackstone (House, No. 4134).**

**There being no objection, the rules were suspended, on motion of Mr. Ross, 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 validating the actions taken at a certain annual town election in the town of Blackstone.”**

### **PAPERS FROM THE HOUSE**

#### *Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Susan Sciola, an employee of the Department of Revenue (see Senate, No. 2454, 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. Donnelly) and sent to the House for enactment.**

#### *Reports of a Committee.*

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Daniel Hermanski, Sr., an employee of the Department of Transportation (Senate, No. 2453),-- **ought to pass, with an amendment substituting a new draft entitled “An Act establishing a sick leave bank for Daniel Hermanski, Sr., an employee of the Highway Division of the Massachusetts Department of Transportation” (Senate, No. 2472).**

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

**The bill (Senate, No. 2472) was then ordered to a third reading, read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

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

The Senate Bill regulating surgical technology (Senate, No. 2058, 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 4298, amended in section 1, in line 9, by inserting after the word “nursing” the words “who is immediately available to physically intervene in providing care to the surgical patient”, in line 40, by striking out the year “2012” and inserting in place thereof the year “2013”, in line 48, by inserting after the word “supervision” the words “limited to clinical guidance”, and by inserting after line 54 the following paragraph:

“(e) Notwithstanding subsection (b), a surgical facility may employ a surgical technologist who does not meet the requirements of this section if the surgical facility receives a waiver from the department signifying that the surgical facility has: (1) made a diligent and thorough effort to employ qualified surgical technologists who meet the requirements of this section; and (2) is unable to employ enough qualified surgical technologists for its needs. The department, in consultation with an advisory committee of clinicians, shall establish criteria for said waiver.”; and by striking out section 3 and inserting in place thereof the following section:

“SECTION 3. Section 1 shall take effect on July 1, 2013.”.

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

*Report of a Committee.*

By Mr. Welch, for the committee on Municipalities and Regional Government, on petition, a Bill amending section 3 of Chapter 62 of the Acts of 2011 (Senate, No. 2017) [Local approval received].

**The bill was read. There being no objection, the rules were suspended, on motion of Mr. Ross, and the bill was read a second time, ordered to a third reading and read a third time.**

**Ms. Creem, for the committee on Bills in the Third Reading, reported, recommending that the bill be amended by substituting a new draft entitled “An Act further regulating certain reimbursements by the city of Medford to the Water Enterprise Fund” (Senate, No. 2474).**

**The amendment was adopted.**

**The bill (Senate, No. 2474) was then passed to be engrossed.**

**PAPERS FROM THE HOUSE.**

A Bill authorizing the city of Easthampton to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4494,-- on petition) [Local approval received],-- **was read.**

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

A Bill authorizing the city of Easthampton to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4495,-- on petition) [Local approval received],-- **was read.**

**There being no objection, the rules were suspended, on motion of Mr. Ross, and the bill 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.*

Mr. Berry, 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 psychology training (House, No. 1003).

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

*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. Donnelly) and laid before the Governor for his approbation, to wit:

Authorizing the town of Ashburnham to dispose of certain equipment (see Senate, No. 2271);

Establishing a sick leave bank for Susan Sciola, an employee of the Department of Revenue (see Senate, No. 2454, amended);  
Further regulating the Boston Art Commission (see House, No. 3784);  
Establishing the position of treasurer-collector in the town of Oakham (see House, No. 4232);  
Regulating the grant of sewer system connections by the Board of Sewer Commissioners of the town of Kingston (see House, No. 4310); and  
Relative to town meeting warrants in the town of Templeton (see House, No. 4484).

*Order Adopted.*

On motion of Mr. Ross,--

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

*Moment of Silence.*

At the request of the Chair (Mr. Donnelly) members, guests and staff stood in a moment of silence and reflection to the memory of the victims in Newtown, Connecticut.

*Adjournment in Memory of the Victims in Connecticut*

The Senator from Middlesex, Mr. Donnelly, moved that when the Senate adjourns today, it adjourn in memory of the innocent children, teachers and school administrators who were horrifically murdered this past Friday at Sandy Brook Elementary School in Newtown, Connecticut.

Twenty 6 and 7 year-olds were gunned down in their classrooms during what should have been a normal day of learning. Six educators were killed while performing the most important job of educating and caring for our future generation. We mourn the loss of these victims of such a senseless act of violence and may we hold those affected by this tragedy close to our hearts.

Accordingly, as a mark of respect in memory of the victims in Connecticut, at twenty-eight minutes past eleven o'clock A.M., on motion of Mr. Ross, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.