

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, October 9, 2013.

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

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

Communications.

The following communications were severally received and placed on file:

Several communications from the Honorable Therese Murray, President of the Senate, announcing the following appointments:

Senator James T. Welch (chairman), Michael J. Barrett and Sonia Chang-Diaz (pursuant to Section 16(b) of Chapter 38 of the Acts of 2013) to the Health Disparities Council; and

Senator Michael D. Rodrigues (pursuant to Section 42 of Chapter 209 of the Acts of 2012) to the Plant Revitalization Task Force as the replacement for former Senator Michael R. Knapik.

Petition.

Mr. Petrucci presented a petition (subject to Joint Rule 12) of Anthony W. Petrucci for the adoption of resolutions to designate the month of October 2013 as Physical Therapy Month in the Commonwealth of Massachusetts,-- **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of a Committee.

By Mr. Barrett, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill relative to the placement of foster children with their siblings (Senate, No. 39); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 58), a Bill to require equal benefits for all new mothers (Senate, No. 1877);

Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3686) of Claire D. Cronin (with the approval of the mayor and city council) that the city of Brockton be authorized to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises; and

Petition (accompanied by bill, House, No. 3688) of Kenneth I. Gordon and Kenneth J. Donnelly (by vote of the town) that the

town of Burlington be authorized issue an additional license for the sale of all alcoholic beverages to be drunk on the premises;
Severally to the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3687) of Kathi-Anne Reinstein and Anthony W. Petruccelli (with the approval of the mayor and city council) that the city of Revere be authorized to issue bonds or notes for the payment of a litigation settlement;
To the committee on Municipalities and Regional Government.

Bills

Transferring care and custody of a parcel of land in the city of Northampton (House, No. 2844, amended,-- on petition);
Relative to the conveyance of an easement in the city of Northampton (House, No. 2845, changed and amended,-- on petition);
Establishing a sick leave bank for Mary Ford, an employee of the Department of Correction (House, No. 3620,-- on petition); and
Establishing a sick leave bank for Katherine Swearingen, an employee of the Department of Developmental Services (House, No. 3660,-- on petition);

Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means

A Bill providing for recall elections in the town of Wales (House, No. 641,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

There being no objection at four minutes past eleven o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at twenty-two minutes past eleven o'clock P.M., the Senate reassembled, Mr. Rosenberg in the Chair.

Resolutions.

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

Resolutions (filed by Mr. Keenan) "congratulating Saint John the Baptist Parish on the one hundred and fiftieth anniversary of its founding."

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 authorizing the city of Fitchburg to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises (House, No. 3448),-- **was read a second time.**

Pending the question on ordering the bill to a third reading, Ms. Flanagan presented an amendment in section 1, by striking out, in line 4, the words "Ray's Variety," and inserting in place thereof the following words:- " Ishwarlal N. Patel to be operated at the premises".

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.

The House bill authorizing the town of Fairhaven to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (House, No. 3603),-- **was 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 Senate Bill to maintain short term objectives for students with disabilities (Senate, No. 218).

There being no objection, the rules were suspended, on motion of Mr. Petruccelli, and the bill was read a 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 to maintain short-term objectives for students with disabilities". Sent to the House for concurrence.

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill relative to the establishment of a special capital fund in the town of Acushnet (see House, No. 3592) (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. Rosenberg) and laid before the Governor for his approbation.

Report of a Committee.

By Mr. Rush, for the committee on Veterans and Federal Affairs, on Senate, Nos. 1678, 1733, 1740, 1742, 1743 and 1747 and House, Nos. 3177, 3182, 3183, 3189, 3192, 3196, 3204 and 3621, a Bill relative to veterans' allowances, labor, outreach, and recognition (Senate, No. 1876);

Read and, under Senate Rule 27, referred to the committee on Ways and Means.

Moment of Silence.

At the request of the Chair (Mr. Rosenberg), the members, guests and staff stood in a moment of silence and reflection to the memory of Thomas McEvoy.

Recess.

At twenty minutes before twelve o'clock noon, the Chair (Mr. Rosenberg) declared a recess for the purpose of attending the Joint Session of the Two Houses to consider certain proposals for Amendments to the Constitution which have been called up for consideration by the Senate and House of Representatives.

*Joint Session of the Two Houses to Consider
Specific Amendments to the Constitution.*

At three minutes before one o'clock P.M., the two Houses met in

JOINT SESSION

and were called to order by the Honorable Therese Murray, President of the Senate.

The Proposal for a legislative amendment to the Constitution relative to absentee and early voting by voters of the Commonwealth (see Senate, No 12) (with reference to which the committee on Election Laws had reported recommending that the amendment ought to pass),— **was read twice in accordance with the provisions of the special rules.**

The proposal reads as follows:

Proposal for a legislative amendment to the Constitution relative to absentee and early voting by voters of the Commonwealth.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

Section 1. Article CXXI. Article XLV of the Amendments to the Constitution, as appearing in Article CV of the Amendments, is hereby annulled and the following is adopted in place thereof:-

Article XLV. The general court shall have power to provide by law for voting, in the choice of any officer to be elected or upon any question submitted at an election, by any qualified voter of the commonwealth by absentee ballot.

Section 2. The Constitution is hereby amended by adding the following article:-

Article CXXII. The general court shall have the power to provide, by law, a process to allow qualified voters to vote at polling places inside or outside such voter's election district, during the 10 business days immediately preceding an election.

The proposal was ordered to a third reading.

Without further action on the matters duly and constitutionally assigned for consideration, on motion of Mr. Petrucci, at one minute before one o'clock P.M., the Joint Session was recessed until Wednesday, March 12, 2014 at one o'clock P.M.

At twenty-nine minutes before three o'clock P.M., the Senate reassembled, Mr. Rosenberg in the Chair.

Reports of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to veterans' allowances, labor, outreach, and recognition (Senate, No. 1876),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 1878).**

Under Senate Rule 26, referred to the committee on Ethics and Rules.

Subsequently, Mr. Rosenberg, for the committee on Ethics and Rules reported that the bill be placed in the Orders of the Day for Thursday, October 10th.

The bill was placed in the Orders of the Day for Thursday, October 10, 2013, for a second reading, with the amendment pending.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill ensuring the safety of people with pets in disasters (Senate, No. 1172),-- ought to pass, with an amendment striking out, in line 3, the figure "1570b" and inserting in place thereof the following figure:- 5170b; and by adding the following section:-

"SECTION 3. An emergency plan of operations shall be consistent with sections 1 and 2 not later than 12 months after the effective date of this act."

Under Senate Rule 26, referred to the committee on Ethics and Rules.

Subsequently, Mr. Rosenberg, for the committee on Ethics and Rules reported that the bill be placed in the Orders of the Day for Thursday, October 10th.

The bill was placed in the Orders of the Day for Thursday, October 10, 2013, for a second reading, with the amendment pending.

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill authorizing the town of Fairhaven to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (see House, No. 3603) (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. Rosenberg) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Hedlund,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M., in a full formal session with a calendar.

Adjourn In Memory of Thomas McEvoy

The Senator from Essex and Middlesex, Mr. Tarr, and the Senator from Essex, Ms. O'Connor Ives, moved that when the Senate adjourns today, it do so in memory of Thomas McEvoy.

Thomas "T.J." McEvoy, 60, of Bradford and formally of North Andover, the son of Irene McEvoy and the late Thomas McEvoy, was born and educated in North Andover schools and was one of the town's most popular characters.

Mr. McEvoy attended UMass-Amherst, and later got his teaching degree from Salem State University, and then his master's degree in criminal justice from Anna Maria College in Paxton.

Mr. McEvoy was known for his kindness, and spent countless hours helping many residents in their time of need. Sports were a passion for T.J. While in high school he was a captain on the North Andover High basketball team. Additionally, he loved golf as well. After his retirement from the police force in May, he worked part time in the pro-shop at North Andover Country Club, and he was a big force in introducing golf to his nephew, Liam McEvoy, who plays on the North Andover High golf team.

Officer McEvoy loved being an officer and spent 33 years on the North Andover police force, the last 25 years as a sergeant. Even after his retirement he remained on as a special duty officer. Additionally, Mr. McEvoy was also a Eucharist Minister for St. Michael's, and almost every Saturday morning would bring Communion to patients at Lawrence General Hospital.

Mr. McEvoy was devoted to his family. He was predeceased by his father, Thomas McEvoy; aunts and uncles Bill, Frank and Rose McEvoy; and brother in law, Stanley Hesketh Jr. He is survived by his mother, Irene McEvoy; brother Jack McEvoy; and sister Susan Hesketh; children, Tommy McEvoy and wife, Stephanie, Brian McEvoy, and Jill Dufresne and husband Andy, all of North Andover; nieces and nephews, Danny, Sarah, Matt, and Katie Hesketh and Kaila and Liam McEvoy; nine grandnieces and grandnephews; and many many friends.

Accordingly, as a mark of respect in memory of Thomas McEvoy, at twenty-seven minutes before three o'clock P.M., on motion of Mr. Hedlund, the Senate adjourned to meet again on Thursday next at one o'clock P.M.