

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, January 28, 2016.

Met at six minutes past eleven o'clock A.M.

The Senator from Plymouth and Bristol, Mr. Pacheco, then led the President, members, guests and staff in the recitation of the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Ms. Spilka for the purpose of an introduction. Ms. Spilka then introduced in the rear of the Chamber, Anvi and Tanvi Chaturvedi, first graders at Warren Elementary School in Ashland. The girls were on a concert tour recognizing India Republic Day. They performed for the Senate in the well of the Chamber with the Indian and U.S. national anthems. The Senate welcomed them with applause and they withdrew from the Chamber.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Ms. Creem for the purpose of an introduction. Ms. Creem then introduced in the rear of the Chamber, Michael Gruenbaum from Brookline. Michael was recognized for having published a memoir titled, "Somewhere There is Still a Sun", a personal account of the Holocaust through his eyes as a child specifically depicting the terror that existed in a Terezin concentration camp in Czechoslovakia. He was recently selected as a finalist for this year's National Jewish Book Award. The Senate welcomed him with applause and he withdrew from the Chamber. He was accompanied by friends Connie Kantar and Marc Dohan.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Lesser for the purpose of an introduction. Mr. Lesser then introduced in the rear of the Chamber, Kevin Greenberg from Longmeadow. Kevin was recognized for being an accomplished Special Olympics athlete and aspiring ski instructor for individuals with disabilities. He also attends numerous classes through the Seven Hills Foundation Aspire Program, learning skills needed for career readiness. The Senate applauded his accomplishments and he withdrew from the Chamber.

There being no objection, during consideration of the Orders of the Day, the President introduced in the Senate Gallery the fifth and sixth grade class from the Erving Elementary School. The students were on a field trip to the State House learning about the different aspects of state government. The Senate welcomed them with applause and they withdrew from the Chamber.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Ms. Forry for the purpose of an introduction. Ms. Forry then introduced in the rear of the Chamber, Consul-General of Ireland Fionnuala Quinlan. The Senate welcomed her with applause and she withdrew from the Chamber. She was accompanied by Ed Forry, Senator Forry's father-in-law.

Communication.

Communication from the Office of the Comptroller (pursuant to item 1599-2040 of Section 2B of Chapter 46 of the Acts of 2015) submitting its second quarter paid prior year deficiency report (received January 25, 2016),-- **was placed on file.**

Reports.

The following reports were severally received and placed on file, to wit:
Report of the Office of the State Auditor (pursuant to Section 17 of Chapter 11 of the General Laws) submitting the Bureau of Special Investigations FY 2015 4th quarter report (received January 25, 2016);
Report of the Department of Public Utilities (pursuant to Section 2 of Chapter 25 of the General Laws) submitting its 2015 Annual Report (received January 27, 2016); and
Report of the Department of Unemployment Assistance (pursuant to Section 14F of Chapter 151A of the General Laws) submitting the December 2015 Unemployment Insurance Trust Fund Report (received January 27, 2016).

Petitions.

Petitions were severally presented and referred, as follows:

By Ms. Jehlen, a petition (accompanied by bill) (subject to Joint Rule 12) of Patricia D. Jehlen for legislation to provide limited health services for residents of assisted living residences;

By Mr. Moore (by request), a petition (accompanied by bill) (subject to Joint Rule 12) of Eugene Seminerio for legislation relative to the veteran property tax exemption residency requirement; and

By Ms. Spilka, a petition (accompanied by bill) (subject to Joint Rule 12) of Karen E. Spilka and Carolyn C. Dykema for legislation to authorize the Massachusetts Teachers' Retirement System to grant creditable service to Karol Coffin;

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

Reports of Committees.

By Mr. Timilty, for the committee on Public Safety, on petition, a Bill relative to emergency first responder notification (Senate, No. 1326);

Referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Welch, for the committee on Health Care Financing, that the Senate Bill to protect access to confidential healthcare (Senate, No. 2081) (also based on House, No. 3920),--**ought to pass [Estimated cost-more than \$100,000];**

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

By Mr. Moore, for the committee on Higher Education, on petition (accompanied by bill, Senate, No. 669), a Bill to expand veterans survivor benefits (Senate, No. 2098); and

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on petition, a Bill establishing regional lockup facilities (Senate, No. 1250);

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

Committees Discharged

Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Bill relative to the Charles River water quality commission (Senate, No. 420),-- **and recommending that the same be referred to the committee on Rules.**

Under Senate Rule 36, the report was considered forthwith and accepted.

PAPERS FROM THE HOUSE

Message from His Excellency the Governor recommending legislation to promote sustainable economic development in Massachusetts (House, No. 3978),-- **was referred, in concurrence, to the committee on Economic Development and Emerging Technologies.**

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3967) of Mathew Muratore and others (by vote of the town) that the town of Plymouth be authorized to lease the Simes House in said town;

Petition (accompanied by bill, House, No. 3968) of Mathew Muratore and others (by vote of the town) that the town of Plymouth be authorized to make certain changes to the charter of said town; and

Petition (accompanied by bill, House, No. 3976) of Timothy R. Madden and Viriato M. deMacedo (by vote of the town) that the town of Falmouth be authorized to convey a certain parcel of land to West Falmouth Library, Inc.

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3966) of Mathew Muratore and others (by vote of the town) that the town of Plymouth be authorized to repeal a certain act authorizing said town to lease certain land;

To the committee on State Administration and Regulatory Oversight.

A Bill eliminating racial and ethnic health disparities in the Commonwealth (House, No. 3969, amended,-- on Senate, No. 608 and House, No. 2048),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Providing for the annual observance of the month of May as the official month of kindness (House, No. 2747,-- on petition); and Designating a certain traffic island in the town of Hingham as The Frank Massa Memorial Island (House, No. 3808,-- on petition);

Were severally read and, under Senate Rule 26, referred to the committee on Rules.

A Bill authorizing the town of Watertown to grant 15 additional licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 3975,-- on House, No. 3720) [Local approval received on House, No. 3720],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

The House Bill relative to imitation firearms (House, No. 3476, changed),-- **came from the House with the endorsement that it had been referred to the committee on the Judiciary; and the Senate concurred in the reference.**

Communication.

Communication from the Honorable Stanley C. Rosenberg, President of the Senate, announcing the following appointments and changes to various committees that have been ratified by the Democratic Caucus:

- o Kenneth J. Donnelly as Majority Whip;
- o Michael J. Rodrigues as Assistant Majority Whip;
- o Joan B. Lovely as a member of the Senate Committee on Ways and Means and the Joint Committee on Ways and Means;
- o Cynthia Stone Creem, who has voluntarily resigned as Vice Chair of the Senate Committee on Rules, as Vice Chair of Senate Committee on Bills in Third Reading;
- o Eileen M. Donoghue, who has voluntarily resigned as a member of the Senate Committee on Bills in the Third Reading, as Vice Chair of the Senate Committee on Rules;
- o John F. Keenan as a member of the Senate Committee on Bills in Third Reading.

On motion of Mr. Pacheco, the above communication as ordered printed in the Journal of the Senate.

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Janaina Euriques, an employee of the Department of Children and Families (see House, No. 3900), 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 President and sent to the House for enactment.**

Reports of Committees.

Mr. Montigny, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill designating a certain overpass in the city of Fall River as the Patrolman Edward Joaquin memorial overpass (House, No. 3794).

There being no objection, the rules were suspended, on motion of Mr. Pacheco, 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 Ms. Spilka, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Wallace Seward, an employee of the Massachusetts Department of Correction (Senate, No. 2031),-- ought to pass, with an amendment substituting a new draft entitled "An Act establishing a sick leave bank for Wallace Seward, an employee of the Department of Correction" (Senate, No. 2118).

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

The bill (Senate, No. 2118) was then ordered to a third reading and read a third time and passed to be engrossed. Sent to the House for concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Robert Albany, an employee of the Department of Correction (Senate, No. 2073),-- ought to pass, with an amendment inserting after the word "Albany", in line 4, the following words:- "to care for his spouse".

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

The bill (Senate, No. 2073, amended) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Lisa Hershowitz, an employee of the Department of Developmental Services (House, No. 3876),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Ms. O'Connor Ives, 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. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Kathleen O'Connor Ives (with the approval of the mayor and city council) for legislation relative to a regional veterans' services district in Essex County.

The rules were suspended, on motion of Ms. O'Connor Ives, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Veterans and Federal Affairs. Sent to the House for concurrence.

PAPERS FROM THE HOUSE

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

Petition (accompanied by bill, House, No. 3979) of Garrett J. Bradley for legislation to establish the crime of peeping or peering into dwelling houses;

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

Petition (accompanied by bill, House, No. 3980) of Paul McMurtry and others for legislation to require gas stations to provide air compressors for free public use; and

Petition (accompanied by bill, House, No. 3981) of Chris Walsh and others for legislation to authorize international students with F-1 visas who have obtained a drivers permit to drive;

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

Engrossed Bill.

An engrossed Bill authorizing the town of Tyngsborough to grant additional licenses for the sale of alcoholic beverages (see House, No. 3691, 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 President and laid before the Governor for his approbation.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill to improve public records (House, No. 3858),-- **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2120; and by striking out the title and inserting in place thereof the following title:- "An Act improving the administration and enforcement of the public records law".**

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill to improve public records (House, No. 3858) (the committee on Ways and Means having recommended that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate, No. 2120) shall be placed in the Orders of the Day for a second reading on Thursday, February 4, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, February 1, 2016.

All such amendments shall be second-reading amendments to the Senate Ways and Means new text (Senate, No. 2120), but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

Under the rules, referred to the committee on Rules.

Subsequently, Mr. Montigny, for the said committee, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Ms. Chandler, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, February 4, for a second reading with the amendment pending.

PAPER FROM THE HOUSE.

The Senate Bill relative to relative to motor vehicle license suspension (Senate, No. 2021, amended),— came from the House with the endorsement that the House had NON-concurred in the further Senate amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate, No. 2094 and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Straus of Mattapoisett, Fernandes of Milford and Hill of Ipswich have been appointed the committee on the part of the House.

On motion of Ms. Chandler, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators McGee, Chandler and Tarr were appointed on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

The House Bill authorizing the town of Dedham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3372),-- **was read a third time and passed to be engrossed.**

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Relative to the provision of group health insurance benefits in the town of Athol (Senate, No. 1967);

Authorizing the town of Milton to establish a special purpose stabilization fund (Senate, No. 1992);

Relative to constables in the town of Middleborough (Senate, No. 1995);

Relative to nitrogen loading easements in the town of Sterling (House, No. 3244);

Relative to the town of Foxborough (House, No. 3582);

Authorizing the town of Lincoln to grant a license for the sale of alcoholic beverages to be drunk on the premises (House, No. 3711, amended);

Relative to the street closure permitting process in the city of Boston (House, No. 3729);

Relative to the Position of Highway Surveyor in the Town of Hanson (House, No. 3738);

Authorizing the town of Sheffield to appoint certain members to the conservation commission (House, No. 3749);

Relative to certain bonds issued by the town of Hull (House, No. 3855);

Authorizing the city of Fitchburg to use ImageCast precinct tabulators at a special state primary (House, No. 3864, amended); and

Authorizing the City of Springfield to transfer certain property to Habitat for Humanity (House, No. 3948);

Were severally read a second time and ordered to a third reading.

At twenty-four minutes past eleven o'clock A.M., Mr. Tarr doubted the presence of a quorum. The President having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently, at twenty-nine minutes past eleven o'clock A.M., a quorum was declared present.

Moment of Silence.

There being no objection, during consideration of the orders of the Day, at the request of the President, the members, guests and staff stood in a moment of silence and reflection to the memory of those who suffered in concentration camps during the Holocaust.

The Senate Bill to establish pay equity (Senate, No. 983),-- **was read a second time.**

After remarks and pending the question on adoption of the amendment, previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2107), and pending the main question on ordering the bill to a third reading, Mr. Keenan moved that the proposed new draft be amended by inserting, in line 76, after the word "requested" the following words:- " , unless the compensation information is a public record as defined in clause 26 of section 7 of chapter 4".

The amendment was **adopted.**

Mr. Tarr moved that the proposed new draft be amended in section 2, by striking out the first paragraph in subsection (b) and replacing it with the following:-

"(b) No employer shall discriminate in any way on the basis of gender in the payment of wages or other compensation, including benefits and other compensation, or pay any person a salary or wage rates less than the rates paid to employees of a different gender for comparable work; provided, however, that variations in wages shall not be prohibited if based upon: (i) a bona fide system that rewards seniority with the employer, provided, however, that such seniority system shall: (A) not be adopted with the intention to discriminate between employees based on gender; (B) must be based on criteria that measures merit or productivity; (C) must be consistently applied to employees and may include length of service; provided, however, that time spent on leave due to a pregnancy-related condition and protected parental, family and medical leave, shall not reduce seniority; (ii) a bona fide merit system; (iii) a bona fide system which measures earnings by quantity or quality of production or sales; (iv) the geographic

location in which a job is performed if 1 geographic location has a lower cost of living based on the federal bureau of labor statistics consumer price index; (v) a differential based on any other factor other than gender; or (vi) education, training or experience to the extent such factors are reasonably related to the particular job in question and consistent with business necessity."

The amendment was *rejected*.

Ms. Jehlen moved that the proposed new draft be amended in section 2, by striking out, in line 18, after the word "index", the word "or" and by inserting, in line 20, after the word "necessity" the following:- "; or (vi) travel, if such travel is a regular and necessary condition of the particular job."

After remarks, the amendment was **adopted**.

Subsequently, Messrs. Tarr, deMacedo, Humason, Ross and Fattman moved that the proposed new draft be amended by adding the following section:-

"SECTION __. There shall be a special commission to investigate, analyze and study the factors, causes and impact of pay disparity based on gender. The special commission shall consist of 15 members including, the secretary of labor and workforce development or a designee who shall serve as chair; the attorney general or a designee; 2 members appointed by the speaker of the house of representatives; 1 member of the appointed by the house minority leader; 2 members appointed by the senate president; 1 member appointed by the senate minority leader; and 7 members appointed by the governor, 1 of whom shall represent employers, 2 of whom that have experience in the field of gender economics; 1 whom shall represent the Women's Bar Association of Massachusetts; 1 of whom shall represent the Commission on the Status of Women; 1 of whom shall represent the Massachusetts Chapter of the National Organization for Women; and 1 of whom shall represent organized labor.

The commission shall submit its initial findings to the clerks of the house of representatives and senate, the chairs of the house and senate committees on ways and means, and the chairs of the joint committee on labor and workforce development not later than January 1, 2019. The commission shall file subsequent annual reports on January 1 of each year with a final report on January 1, 2024. The final report may also include drafts of any proposed legislation to further reduce the pay disparity based on gender. "

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at sixteen minutes before one o'clock P.M., on motion of Mr. Fattman, as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 227**]:

YEAS.

Barrett, Michael J.	Joyce, Brian A.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	L'Italien, Barbara A.
Creem, Cynthia Stone	Lovely, Joan B.
deMacedo, Viriato M.	McGee, Thomas M.
DiDomenico, Sal N.	Montigny, Mark C.
Donnelly, Kenneth J.	Moore, Michael O.
Donoghue, Eileen M.	O'Connor Ives, Kathleen
Downing, Benjamin B.	Pacheco, Marc R.

Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Ross, Richard J.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Tarr, Bruce E.
Gobi, Anne M.	Timilty, James E.
Humason, Donald F., Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 36.

NAYS – 0.

ABSENT OR NOT VOTING.

Rush, Michael F. – 1.

The yeas and nays having been completed at twelve minutes before one o'clock P.M., the amendment was **adopted**.

Mr. Tarr moved that the proposed new draft be amended in section 2, in subsection (b), by striking out subsection (a) and inserting in place thereof the following subsection:-

“(a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise: ‘Comparable work’, shall solely mean work that is substantially similar in that it requires substantially similar skill, effort and responsibility and is performed under similar working conditions; provided, however, that a job title or job description alone shall not determine comparability.

‘Working conditions’ shall include the circumstances customarily taken into consideration in setting salary or wages, including, but not limited to, reasonable shift differentials and physical surroundings and hazards encountered by employees performing a job.”

The amendment was **adopted**.

Ms. Spilka moved that the proposed new draft be amended by striking out, in line 10, the words “or other compensation, including benefits” and inserting in place thereof the following word:- “, benefits”;

By striking out, in line 10, the word “and” and inserting in place thereof the following word:- “or”;

By inserting, in lines 12, 24, 33, 55, 56, 58 and 64 after the word “wages” the following words:- “, including benefits or other compensation”;

By striking out, in lines 17 and 18, the words “if 1 geographic location has a lower cost of living based on the federal bureau of labor statistics consumer price index”;

By striking out, in line 30, the words “monetary or declarative”;

By inserting, in line 57, after the word “wage” the following words:- “, including benefits or other compensation”;

By striking out, in lines 64 and 65, the words “an offer of employment” and inserting in place thereof the following words:- “any offer of employment with compensation”; and

By striking out, in line 89, the words “conform to standard templates, forms or other guidance” and inserting in place thereof the following words:- “be consistent with standard templates or forms”.

The amendment was **adopted**.

The Ways and Means amendment was then adopted, as amended.

After remarks, the bill (Senate, No. 2052, amended) was then ordered to third reading and read a third time.

After further remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at two minutes past one o'clock P.M., on motion of Ms. Jehlen, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 228**]:

YEAS.

Barrett, Michael J.	Keenan, John F.
Brady, Michael D.	Lesser, Eric P.
Brownsberger, William N.	Lewis, Jason M.
Chandler, Harriette L.	L'Italien, Barbara A.
Chang-Diaz, Sonia	Lovely, Joan B.
Creem, Cynthia Stone	McGee, Thomas M.
deMacedo, Viriato M.	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Rosenberg, Stanley C.
Fattman, Ryan C.	Ross, Richard J.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Tarr, Bruce E.
Gobi, Anne M.	Timilty, James E.
Humason, Donald F., Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 37.
Joyce, Brian A.	

NAYS – 0.

ABSENT OR NOT VOTING.

Rush, Michael F. – 1.

**The yeas and nays having been completed at six minutes past two o'clock P.M., the bill was passed to be engrossed [For text, see Senate, No. 2119, printed as amended].
Sent to the House for concurrence.**

There being no objection, the following matters were taken out of order.

The Senate Bill regulating the processing of lobsters (Senate, No. 469),-- **was considered, the main question being on ordering the bill to a third reading.**

After remarks the bill was ordered to a third reading.

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

After further remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at twenty-seven minutes past twelve o'clock noon, on motion of Mr. Tarr, as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 226**]:

YEAS.

Barrett, Michael J.	Joyce, Brian A.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	L'Italien, Barbara A.
Creem, Cynthia Stone	Lovely, Joan B.
deMacedo, Viriato M.	McGee, Thomas M.
DiDomenico, Sal N.	Montigny, Mark C.
Donnelly, Kenneth J.	Moore, Michael O.
Donoghue, Eileen M.	O'Connor Ives, Kathleen
Downing, Benjamin B.	Pacheco, Marc R.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Ross, Richard J.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Tarr, Bruce E.
Gobi, Anne M.	Timilty, James E.
Humason, Donald F., Jr.	Welch, James T.

Jehlen, Patricia D.

Wolf, Daniel A. – 36.

NAYS – 0.

ABSENT OR NOT VOTING.

Rush, Michael F. – 1.

The yeas and nays having been completed at twenty-eight minutes before one o'clock P.M., the bill was passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act further regulating the processing of lobsters". Sent to the House for concurrence.

The House Bill relative to juries and the Office of Jury Commissioner (House, No. 1354),-- **was read a second time and ordered to a third reading.**

There being no objection, the rules were suspended, on motion of Mr. Brownsberger and the bill was read a third time and, after remarks, was passed to be engrossed, in concurrence.

Recess.

At seven minutes past one o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus the President declared a recess, subject to the call of the Chair; and, at twelve minutes before two o'clock P.M., the Senate reassembled, the President in the Chair

PAPERS FROM THE HOUSE.

There being no objection, during consideration of the Orders of the Day, the following matters were considered, as follows:

Engrossed Bills—Land Takings for Conservation Etc.

An engrossed Bill authorizing the town of Scituate to convey certain land (see House, No. 3599, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twelve minutes before two o'clock P.M., as follows, to wit (*yeas 36 - nays 0*) [**Yeas and Nays No. 229**]:
YEAS.

YEAS.

Barrett, Michael J.

Joyce, Brian A.

Brady, Michael D.

Keenan, John F.

Brownsberger, William N.

Lesser, Eric P.

Chandler, Harriette L.

Lewis, Jason M.

Chang-Diaz, Sonia

L'Italien, Barbara A.

Creem, Cynthia Stone

Lovely, Joan B.

deMacedo, Viriato M.

McGee, Thomas M.

DiDomenico, Sal N.	Montigny, Mark C.
Donnelly, Kenneth J.	Moore, Michael O.
Donoghue, Eileen M.	O'Connor Ives, Kathleen
Downing, Benjamin B.	Pacheco, Marc R.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Ross, Richard J.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Tarr, Bruce E.
Gobi, Anne M.	Timilty, James E.
Humason, Donald F., Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 36.

NAYS – 0.

ABSENT OR NOT VOTING.

Rush, Michael F. – 1.

The yeas and nays having been completed at four minutes before two o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to lease a certain parcel of land in the town of Southborough (see House, No. 3762, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at three minutes before two o'clock P.M., as follows, to wit (*yeas 36 - nays 0*) [**Yeas and Nays No. 230**]:

YEAS.

Barrett, Michael J.	Joyce, Brian A.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.

Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	L'Italien, Barbara A.
Creem, Cynthia Stone	Lovely, Joan B.
deMacedo, Viriato M.	McGee, Thomas M.
DiDomenico, Sal N.	Montigny, Mark C.
Donnelly, Kenneth J.	Moore, Michael O.
Donoghue, Eileen M.	O'Connor Ives, Kathleen
Downing, Benjamin B.	Pacheco, Marc R.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Ross, Richard J.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Tarr, Bruce E.
Gobi, Anne M.	Timilty, James E.
Humason, Donald F., Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 36.

NAYS – 0.

ABSENT OR NOT VOTING.

Rush, Michael F. – 1.

The yeas and nays having been completed at two o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

An engrossed Bill authorizing the town of North Reading to convey certain park land (see House, No. 3819, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at one minute past two o'clock P.M., as follows, to wit (*yeas 36 - nays 0*) **[Yeas and Nays No. 231]**:

YEAS.

Barrett, Michael J.	Joyce, Brian A.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	L'Italien, Barbara A.
Creem, Cynthia Stone	Lovely, Joan B.
deMacedo, Viriato M.	McGee, Thomas M.
DiDomenico, Sal N.	Montigny, Mark C.
Donnelly, Kenneth J.	Moore, Michael O.
Donoghue, Eileen M.	O'Connor Ives, Kathleen
Downing, Benjamin B.	Pacheco, Marc R.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Ross, Richard J.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Tarr, Bruce E.
Gobi, Anne M.	Timilty, James E.
Humason, Donald F., Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 36.

NAYS – 0.

ABSENT OR NOT VOTING.

Rush, Michael F. – **1.**

The yeas and nays having been completed at three minutes past two o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Engrossed Bills.

An engrossed Bill establishing a sick leave bank for Janaina Euriques, an employee of the Department of Children and Families (see House, No. 3900) (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 President and laid before the Governor for his approbation.

Mr. Timilty in the Chair, an engrossed Bill further regulating tanning facilities (see Senate, No. 1994) (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. Timilty) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and laid before the Governor for his approbation.

Orders of the Day.

The President in the Chair, the Orders of the Day were further considered as follows:

The Senate Bill relative to 2030 and 2040 emissions benchmarks (Senate, No. 458),-- **was considered, the main question being on ordering the bill to a third reading.**

After remarks, and pending the question on adoption of the amendment, previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2092) and pending the main question on ordering the bill to a third reading, Messrs. Tarr and Ross moved that the proposed new draft be amended in line 88, by inserting the following:- “(vi) cost-effectiveness”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-one minutes past two o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 10 — nays 26*) [**Yeas and Nays No. 232**]:

YEAS.

deMacedo, Viriato M.	Moore, Michael O.
Fattman, Ryan C.	Ross, Richard J.
Flanagan, Jennifer L.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E.
Lovely, Joan B.	Welch, James T. — 10.

NAYS.

Barrett, Michael J.	Joyce, Brian A.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	L'Italien, Barbara A.

Creem, Cynthia Stone	McGee, Thomas M.
DiDomenico, Sal N.	Montigny, Mark C.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Rush, Michael F.
Gobi, Anne M.	Spilka, Karen E.
Jehlen, Patricia D.	Wolf, Daniel A. – 26.

ABSENT OR NOT VOTING.

Forry, Linda Dorcena – 1.

The yeas and nays having been completed at twenty-five minutes past two o'clock P.M., the amendment was *rejected*.

Messrs. Tarr and Ross moved that the proposed new draft be amended in line 122 by inserting after “executive branch to increase” the following:- “cost-effective”.
The amendment was *rejected*.

Messrs. Tarr and Ross moved that the proposed new draft be amended by striking in line 75 the words-“shall be consistent” and inserting in place thereof the following:- “shall be taken into account”; and by inserting after the word “plan” in line 76 the following:-“provided that no rights are limited, abridged, or curtailed”.
After remarks, the amendment was *rejected*.

Messrs. Tarr and Ross moved that the proposed new draft be amended by inserting at the end thereof the following new section:-
“SECTION _ (a) For the purposes of this section the following terms, shall, unless the context clearly indicates otherwise, have the following meanings:-

‘Affiliate’, any corporation, society, trust, association, partnership or individual that is, directly or indirectly, partially or wholly owned or controlled by the same parent company as a distribution company.

‘Clean energy generation resources’, either (1) firm service hydroelectric generation from hydroelectric generation alone; or (2) new Class I RPS eligible resources that are firm up with firm service hydroelectric generation.

‘Contract date’, the date of execution of a long-term contract pursuant to this section.

‘Firm service hydroelectric generation’, hydroelectric generation provided without interruption for a period designated in a contract, subject to reasonable force majeure interruptions that may be negotiated under said contract, including but not limited to multiple hydroelectric run-of-the-river generation units managed in a portfolio that creates firm service through the diversity of multiple units.

‘New Class I RPS eligible resources’, Class I renewable energy generating sources as defined in section 11F of chapter 25A that have not commenced commercial operation prior to a contract date or represent the net increase from incremental new generating capacity at an existing facility after a contract date.

‘Long-term contracts’, contracts for a period of 15 to 25 years.

‘Project affiliation’, when a transmission or generation project is, directly or indirectly, partially or wholly owned or controlled by a distribution company or by an affiliate of a distribution company or the parent company of a distribution company.

(b) Notwithstanding any general or special law to the contrary, all distribution companies, as defined in section 1 of chapter 164 of the General Laws, shall, together with the department of energy resources, jointly and competitively solicit proposals for clean energy generation resources to deliver no more than an annual amount of electricity of approximately 18,900,000 megawatt-hours via long-term contracts to be executed by the distribution companies and, provided the department of energy resources determines reasonable proposals have been received pursuant to subsection (c), enter into cost-effective long-term contracts for

an annual amount of electricity of approximately 9,450,000 megawatt-hours per project. Initial solicitations under this section shall commence no later than April 1, 2016.

(c) The department of energy resources shall coordinate, through a schedule or staggered schedule designated by the department of energy resources, one or more solicitations pursuant to subsection (b). Such solicitations may be done jointly with other New England states or entities designated by said states. If the department of energy resources determines that reasonable proposals were not received pursuant to a solicitation, the department of energy resources may terminate the solicitation. The department of energy resources shall determine whether an additional solicitation is necessary to ensure that clean energy generation resources are procured in a cost-effective manner on a long-term basis to meet the Commonwealth's goals pursuant to Chapter 298 of the Acts of 2008.

(d) The solicitations and subsequent procurements of resources may include proposals for electric transmission to interconnect load centers in the New England control area with regions or areas where clean energy generation resources may be available. Such transmission proposals may provide for procurement separate from the power purchase agreement for the clean energy generation resources or may bundle the transmission into the power purchase agreement. To the extent transmission is unbundled from the power purchase agreement it shall be pursued through the rules of the federal energy regulatory commission. In such case, the department of energy resources shall have the authority to determine whether the transmission shall be pursued through (1) an elective transmission upgrade, (2) under the rules applicable to transmission advanced to meet public policy requirements, as such terms are used by the federal energy regulatory commission; or (3) such other means available under federal rules as appropriate.

(e) A draft of the request for proposals to be used in any solicitation under this section shall be filed with the department of public utilities for review and approval prior to issuance and the department of public utilities shall issue a decision within thirty days of the close of the public comment period.

(f) If a solicitation is not terminated pursuant to section (c), then the distribution companies and the department of energy resources shall jointly evaluate any bids received for the purposes of selecting a winning bidder. If there is a disagreement between or among the distribution companies or with the department of energy resources, as to the selection of a winning bidder, then the disagreement shall be submitted to the office of the attorney general for a decision within 90 days. The attorney general shall authorize the selection of a winning bidder only upon a finding that the project is cost-effective and the selection of a winning bidder is not unduly influenced by a project affiliation.

(g) Any long-term contracts executed in accordance with this section shall be subject to the approval of the department of public utilities, provided that the department of public utilities shall approve a contract only upon a finding that it is a cost-effective means for procuring clean energy generation resources on a long-term basis to meet the Commonwealth's goals set forth in Chapter 298 of the Acts of 2008.

(h) A distribution company may elect to use any energy, capacity, or renewable energy certificates purchased under any long-term contract executed in accordance with this section for resale to its customers. If the energy, capacity, or renewable energy certificates are not so used, such companies shall sell such purchased energy, capacity, or renewable energy certificates in the wholesale market through a competitive bid process.

(i) If a distribution company sells such purchased energy, capacity, or renewable energy certificates in the wholesale market, the distribution company shall net the cost of payments made under the long-term contracts against the proceeds obtained from the sales, and the difference shall be credited or charged to all distribution customers through a non-bypassable rate included in distribution rates, subject to the review and approval of the department of public utilities.

(j) The department of energy resources may promulgate rules and regulations consistent with this section and may hire experts or consultants to assist in: (1) the development of said rules and regulations and (2) the management and coordination of the solicitation or solicitations, the project evaluation process, and approval proceedings. The costs associated with hiring said experts or consultants shall be paid from the alternative compliance payment fund overseen by the department of energy resources.

(k) Any contracts procured under this section shall contain provisions that require an appropriate unit-specific tracking system to enable an accounting of the delivery of clean energy generation resources.

(l) The invalidity or unenforceability of any provisions of this section shall not affect the validity or enforceability of any other provision of this section, which shall remain in full force and effect."

After debate, the amendment was *rejected*.

Messrs. Tarr, Keenan and Ross moved to amend the proposed new draft by inserting in line 46, after "21E", the following: " , provided however that a public utility shall not mean a municipal light plant".

After debate, the amendment was *rejected*.

Messrs. Keenan and Ross moved that the proposed new draft be amended by inserting after the word "impacts" in line 48 the following words: " , which may include efforts such as shoreline improvement, seawall maintenance and expansion, infrastructure improvement or innovative building design and construction".

The amendment was **adopted**.

Messrs. Tarr and Ross moved to amend the proposed new draft by inserting before section 1 the following new section:-

"SECTION XX. Chapter 21A of the General Laws as appearing in the 2014 official edition is hereby amended by inserting after section 26 the following new section:-

Section 27. During the first year of each new gubernatorial administration or the first year of a new gubernatorial term, the

governor shall convene an energy planning council consisting of no fewer than 15 members: 1 of whom shall be the secretary of energy and environmental affairs, who shall serve as chair; 1 of whom shall be the secretary of administration and finance; 1 of whom shall be appointed by speaker of the house of representatives; 1 of whom shall be appointed by the house minority leader; 1 of whom shall be appointed by the president of the senate; 1 of whom shall be appointed by the senate minority leader and 9 of whom shall be appointed by the governor: 1 of whom shall represent consumers, 1 of whom shall represent low income residents, 1 of whom shall represent large employers, 1 of whom shall represent small employers, 1 of whom shall represent the renewable energy industry, 1 of whom shall be from an environmental organization, 1 of whom shall represent investor owned local distribution company, and 1 of whom shall represent a municipal owned local distribution company. The governor may also appoint additional members of regional and local energy groups or collaboratives to serve on the council. Members of the council shall serve for a term of 1 year or until an energy development policy has been approved by the governor under this section.

The secretary of energy and environmental affairs, with the assistance of energy planning council appointed under this section, shall develop and implement a written comprehensive energy policy for the commonwealth and a strategic plan for implementing the policy. The plan shall be consistent with the climate adaption plan established in this act and shall include but not be limited to addressing, (1) the projected demand for energy in the commonwealth, (2) measures to meet the projected demand by evaluate the total potential costs and economic and noneconomic benefits of various measures to the economy, and environment, using the best available economic models, emissions estimation techniques and other scientific methods, (3) identifying energy from all available resources, and (4) considering all necessary changes to transmission infrastructure to meet projected demand goals. Once the policy and plan have been adopted by the secretary and the council, the council shall submit the policy and plan to the clerks of the senate and house of representatives and the joint committee on economic development and emerging technologies. The committee shall conduct a public hearing on the policy and plan prior to final approval by the governor. The approved policy and plan shall be published in writing and on the official website of the commonwealth not later than December 31 of that year. The plan as established in this section shall be developed in 5 year increments and updated accordingly, and shall reflect any major energy development initiatives and programs of the secretariat and any agencies subject to this section. In developing the policy, the council shall review the published energy development policy and plan in effect at the commencement of the governor's term of office and may hold public hearings throughout the commonwealth."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at eight minutes before three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 36 — nays 0*) [**Yeas and Nays No. 233**]:

YEAS.

Barrett, Michael J.	Keenan, John F.
Brady, Michael D.	Lesser, Eric P.
Brownsberger, William N.	Lewis, Jason M.
Chandler, Harriette L.	L'Italien, Barbara A.
Chang-Diaz, Sonia	Lovely, Joan B.
Creem, Cynthia Stone	McGee, Thomas M.
deMacedo, Viriato M.	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Rodrigues, Michael J.

Eldridge, James B.

Ross, Richard J.

Fattman, Ryan C.

Rush, Michael F.

Flanagan, Jennifer L.

Spilka, Karen E.

Gobi, Anne M.

Tarr, Bruce E.

Humason, Donald F., Jr.

Timilty, James E.

Jehlen, Patricia D.

Welch, James T.

Joyce, Brian A.

Wolf, Daniel A. – **36.**

NAYS – 0.

ABSENT OR NOT VOTING.

Forry, Linda Dorcena – **1.**

The yeas and nays having been completed at four minutes before three o'clock P.M., the amendment was **adopted.**

Messrs. Tarr and Ross moved that the proposed new draft be amended by striking in line 245 "180 days after the effective date of this act" and inserting in place thereof the following words:- "18 months after the effective date of this act so that there may be sufficient time for an adequate public comment period".

After remarks, the amendment was *rejected*.

Messrs. Tarr and Ross moved that the proposed new draft be amended by striking section 7 in its entirety.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by inserting at the end thereof the following new section:-

“Section XX. The secretary of transportation shall conduct a feasibility study on the installation of charging stations for electric vehicles at rest stops on the Massachusetts turnpike and the implementation of section 75 of chapter 6C of the General Laws. The study along with any recommendations, shall be submitted to the clerks of the House and Senate and the joint committee on transportation no later than December 31, 2016.”

After remarks, the amendment was **adopted.**

Messrs. Keenan and Ross moved that the proposed new draft be amended in section 6, in subsection (a) of section 2 of proposed chapter 21P of the General Laws by striking out the second sentence and inserting in place thereof the following 2 sentences:-

“The plan shall encourage and provide guidance to state agencies, state authorities and regional planning agencies to proactively address the consequences of climate change. The plan shall also provide a process for local and regional climate vulnerability assessment and adaptation strategy development and implementation and may encourage and provide guidance to cities and towns to proactively address the consequences of climate change.”.

After remarks, the amendment was **adopted.**

Mr. Tarr moved that the proposed new draft be amended in section 6, by striking out, in line 96 the figure “17” and inserting in place thereof the following figure :- “18”; and in said section 6, in line 108, by inserting after the word “resources,”, the following words: - “1 of whom shall be a property owner in a coastal community”.

After remarks, the amendment was **adopted.**

Mr. Tarr moved that the proposed new draft be amended by inserting in line 115 after “management,” the following:- “the coastal erosion commission report”.

The amendment was **adopted.**

Mr. Tarr moved that the proposed new draft be amended by inserting in line 199 after the words “recreation management” the following:- “ plan and coastal erosion mitigation and management plan”.

The amendment was **adopted**.

The Ways and Means amendment was then adopted, as amended.

After remarks, the bill (Senate, No. 2092, amended) was then ordered to third reading and read a third time.

After further remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at six minutes past three o'clock P.M., on motion of Mr. Pacheco, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 234**]:

YEAS.

Barrett, Michael J.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	Montigny, Mark C.
deMacedo, Viriato M.	Moore, Michael O.
DiDomenico, Sal N.	O'Connor Ives, Kathleen
Donnelly, Kenneth J.	Pacheco, Marc R.
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Flanagan, Jennifer L.	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. — 37.

Keenan, John F.

NAYS – 0.

ABSENT OR NOT VOTING.

Forry, Linda Dorcena – 1.

**The yeas and nays having been completed at nine minutes past three o'clock P.M., the bill was passed to be engrossed [For text, see Senate, No. 2121, printed as amended].
Sent to the House for concurrence.**

Communication.

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

January 28, 2016

Mr. William F. Welch
Clerk of the Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Welch:

I was unable to be present at the opening of formal session on Thursday, January 28, 2016, and I would like to record my position on the following votes.

Had I been in attendance, I would have voted in the affirmative to engross Senate 469, An Act regulating the processing of lobsters.

I would have voted in the affirmative to adopt Senate bill 2107, An Act to establish pay equity, as amended. I would have also voted in the affirmative to adopt Redraft Amendment 1 to Senate bill 2107.

Thank you for your time and attention to this matter.

Respectfully,
MICHAEL F. RUSH
State Senator
Suffolk and Norfolk District

On motion of Ms. Chandler, the above communication was ordered printed in the Journal of the Senate.

Order Adopted.

On motion of Mr. Tarr,--

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 pointing of a calendar.

Moment of Silence.

At the request of the President, the members, guests and staff stood in a moment of silence and reflection to the memory of Eugene W. "Gene" Creedon.

Adjourn In Memory of Eugene W. "Gene" Creedon

The Senator from Norfolk and Plymouth, Mr. Keenan, moved that when the Senate adjourns today, it adjourn in memory of Eugene W. "Gene" Creedon.

Eugene W. Creedon, a proud lifelong resident of Quincy, died on December 24, 2015, at the age of 80. He will be remembered by generations of teachers as a leader and mentor, by thousands of students as an outstanding, caring and concerned teacher, principal and superintendent, and by all as a true gentleman.

Mr. Creedon was an educator his entire life. He graduated from St. Mary's College in New York, and Boston State College, and worked first at the Iona Preparatory School in New York before returning to Quincy. After coming home to Quincy, he began his lengthy career of devoted service in educating Quincy's students. He was a teacher at Quincy Point Junior High School, and later the principal at St. Ann's School in Wollaston. He also served as principal at the Parker School and Broad Meadow Middle School.

Eugene continued his career in education, becoming the Elementary Curriculum Director, then Assistant Superintendent for Quincy Public Schools. Finally, he served as Superintendent, the position he held until his retirement in 2001.

Mr. Creedon was committed to the betterment of his community and to the mastery of his profession. He was a member of the South Shore Superintendents, the Ma Superintendents, and the Harvard Superintendent round table. He was also the recipient of the Jewish Community Man of the Year Award and the City of Quincy Man of the Year Award.

Beloved husband of Kathleen R. (Sommers) Creedon, loving father of Erin Perkins and husband Sean of Hough's Neck, Susan Foley and husband Paul of Scituate, and Patrick Creedon and wife Fallon of Quincy, Mr. Creedon was also the devoted "Granky" to Dillon and Andrew Perkins; Caleb, Ella, Matthew, and Molly Foley; and Harlow and Morgan Creedon. He was brother of John Creedon of NH, Peter J. Creedon of St. James, NY, Bernard Creedon of Greenport, NY, and the late Frances Clancy, Lawrence Creedon and Paul D. Creedon. He is also survived by many nieces and nephews.

Today the Massachusetts State Senate adjourns in memory of Eugene W. Creedon, in appreciation of his lifetime of distinguished service as a teacher, principal and school superintendent, in recognition of his gentlemanly spirit, and in honor of his love of community, friends, and most importantly, family.

Accordingly, as a mark of respect in memory of Eugene W. "Gene" Creedon, at a quarter 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.