

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.

Monday, February 1, 2016

Met at eight 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.

Communications.

Communications from the Department of Public Health relative to plans of correction for the following correctional facilities:

Plymouth County Correctional Facility
M.C.I. Plymouth
Dartmouth Women's Center
Bristol County Jail and House of Correction
Bristol County Modular Building
Dartmouth I.C.E. Facility
Worcester County House of Corrections and Jail
Berkshire County Jail and House of Corrections
Barnstable County Correctional Facility
Franklin County Jail and House of Correction
Pondville Correctional Center (received January 28, 2016),-- **were placed on file.**

Reports.

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

Report of the Department of Elementary and Secondary Education (pursuant to Section 1P(g) of Chapter 69 of the General Laws) submitting its Safe and Supportive Schools Commission - First Annual Report (copies having been forwarded as required to the Joint Committees on Education, Mental Health and Substance Abuse, Children, Families and Persons with Disabilities, and the Senate Committee on Ways and Means) (received January 28, 2016);

Report of the Department of Elementary and Secondary Education (pursuant to item 7061-9412 of Chapter 46 of the Acts of 2015) submitting its report on Expanded Learning Time Grants (received January 28, 2016);

Reports of the Department of Public Health (pursuant to Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspection of the following correctional facilities:

Bristol County Jail, Ash Street Facility
Massachusetts Alcohol and Substance Abuse Center
Middlesex County Jail and House of Corrections (received January 28, 2016); and

Report of the Dukes County Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003) 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 February 1, 2016).

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Brownsberger (by request), a petition (accompanied by bill) (subject to Joint Rule 12) of Donald Whitmore for legislation relative to protecting citizens' personal image rights; and

By Mr. DiDomenico, a petition (accompanied by bill) (subject to Joint Rule 12) of Sal N. DiDomenico and Tackey Chan for legislation to ensure the safety of residents, first responders, and gas workers;

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

Reports of Committees.

By Mr. Rodrigues, for the committee on Revenue, on Senate No. 1474 and House No. 2698, a Bill relative to regional transportation ballot initiatives (Senate, No. 1474);

Read and, under Senate Rule 26, referred to the committee on Rules.

By Ms. L'Italien, for the committee on Municipalities and Regional Government, on petition, a Bill relative to certain charges and fees in the town of Charlton (Senate, No. 2068) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill authorizing the town of Westport to indemnify for the payment of certain medical expenses for a retired firefighter (Senate, No. 2086) [Local approval received];

Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Committee Discharged.

Mr. Montigny, for the committee on Rules, reported, asking to be discharged from further consideration

Of the Senate Bill relative to naming the Plymouth Trial Court in honor of Senate President Therese Murray (Senate, No. 794); and

Of the House Bill relative to the retirement benefits of the surviving beneficiary of Francis X. Noe (House, No. 3777);

And recommending that the same be referred to the Senate committee on Ways and Means;

Severally under Senate Rule 36, the reports were considered forthwith and accepted.

PAPER FROM THE HOUSE

A Bill authorizing the town of Bolton to grant a license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3761, amended,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Resolutions.

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

Resolutions (filed by Mr. Pacheco) "congratulating Thomas Grant of the town of Middleborough on his elevation to the rank of Eagle Scout"; and

Resolutions (filed by Mr. Pacheco) "congratulating Mary C. Mendes on her one hundred and fifth birthday."

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 relative to the town administrator in the town of Milton (Senate, No. 1987),-- **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The House Bill authorizing the town of Southborough to grant an additional license for the sale of alcoholic beverages not to be drunk on the premises (House, No. 3719),-- **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Sheffield to appoint certain members to the conservation commission (House, No. 3749),-- **was read a third time and passed to be engrossed, in concurrence.**

Reports of a Committee.

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 Senate Bill designating a certain bridge in the city of Westfield as the All Westfield Patriots Bridge (Senate, No. 1839). **There being no objection, the rules were suspended, on motion of Mr. Rush, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.**

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 bridge in the town of Barnstable as the Louis Karras Memorial Bridge (House, No. 3795, amended). **There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Report of Committee on Initiative Petition for a Legislative Amendment to the Constitution.

By Mr. Rodrigues, for the committee on Revenue, on the initiative petition (accompanied by proposal, House, No. 3933) of Marven-Rhode Hyppolite and others for an initiative amendment to the Constitution to provide resources for education and transportation through an additional tax on incomes in excess of one million dollars, -- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said initiative petition (see House, No. 3933), ought to pass [For majority report, see Senate, No. 2122] [For minority report, see Senate, No. 2123]. **The report was read and placed on file, in accordance with the requirements of said rule and the Initiative Petition was placed on the Joint Session calendar for consideration at the next session.**

PAPERS FROM THE HOUSE

The engrossed Bill authorizing the town of Stoughton to grant 6 licenses for the sale of all alcoholic beverages to be drunk on the premises (see, House, No. 3695, amended),-- came from the House with an amendment striking section 1 and inserting in place there of the following section :

“SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Stoughton may grant 6 additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to establishments located within the town’s central business district and the abutting general business district to the west of the central business district bounded by the railroad tracks, Canton street and Morton street, as those districts are defined by the town's zoning map, as it existed as of May 1, 2014, upon approval of and under conditions set by the licensing authority of the town. The licenses shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority shall not approve the transfer of any license granted pursuant to this act to any location outside of the central business district or the abutting general business district as set forth in subsection (a), but it may grant the license to a new applicant at a location within the central business district or the abutting general business district if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(c) If a license granted pursuant to this act is cancelled, revoked or no longer in use, the license shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority of the town of Stoughton and the licensing authority may then grant the license to a new applicant at a location within the central business district or the abutting general business district under the same conditions as specified in this act.”.

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

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Roger Sweeney, an employee of the Department of Correction (see Senate, No. 2035), 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 Acting President (Mr. Donnelly) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Lisa Hershowitz, an employee of the Department of Developmental Services (see House, No. 3876), 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 Acting President (Mr. Donnelly) 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. Donnelly) and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Roger Sweeney, an employee of the Department of Correction (see Senate, No. 2035);
Relative to juries and the Office of Jury Commissioner (see House, No. 1354);
Authorizing the town of Dedham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 3372);
Authorizing the town of Lakeville to convey certain property to the city of Taunton (see House, No. 3789, amended);
Designating a certain overpass in the city of Fall River as the Patrolman Edward Joaquin Memorial Overpass (see House, No. 3794); and
Establishing a sick leave bank for Lisa Hershowitz, an employee of the Department of Developmental Services (see House, No. 3876).

Order Adopted.

On motion of Mr. Rush,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o'clock A.M., in a full formal session with a calendar.

Moment of Silence.

At the request of the Chair, the members, guests and staff stood in a moment of silence and reflection to the memory of John M. "Jack" Tobin.

Adjourn In Memory of John M. "Jack" Tobin

Mr. Rush in the Chair, the Senator from Norfolk and Suffolk, Mr. Rush, moved that when the Senate adjourns today, it do so in memory of John M. "Jack" Tobin of West Roxbury.

John M. "Jack" Tobin, formerly of Brighton, was the son of immigrant parents and one of seven children. Jack was known as a hard worker his entire life. As a young boy he delivered papers in his hometown of Allston where many of his customers were members of the Boston Braves. Anything he made, as a delivery boy and in subsequent jobs, went to support his family.

He served in the United States Army and eventually met his wife Kathryn (Freeman) in 1968. Jack worked as a laborer for Local 223, supporting his wife and their six children. Jack and Kathryn became foster parents, welcoming children from unimaginable circumstances into their home. Jack was tremendously active in the West Roxbury neighborhood and a devoted family man. He spent his down time gardening and helping his wife run her business. Jack was very involved in local politics and a vital part to his eldest son's successful campaign for Boston City Council.

John M. "Jack" Tobin is survived by his wife Kathryn; their five children, John Jr. and his wife Kate, James, Patrick, Alyssa, Kara all of West Roxbury; and his six grandchildren, Kayleigh, Emily, Jaelyn, Kiara, Matthew and Danny. He was predeceased by his beloved daughter Julie Tobin.

Mr. Donnelly in the Chair, accordingly, as a mark of respect in memory of John M. "Jack" Tobin, at twenty-seven minutes past eleven o'clock A.M., on motion of Mr. Rush, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.