

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, March 28, 2016.

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

Distinguished Guests.

There being no objection, the Chair (Mr. Brownsberger) handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced, in the rear of the Chamber, Georgetown Fire Chief Albert Beardsley. Fire Chief Beardsley was congratulated on his retirement and recognized for his over 30 years of service to the Georgetown Fire Department. The Senate welcomed him with applause and he withdrew from the Chamber. He was accompanied by his wife, Barbara, son, Greg and son Nicholas and his fiancé Kathryn. He was also joined by Georgetown Board of Selectmen Chair Philip Trapani, Board of Selectmen members Gary C. Fowler and Douglas W. Dawes, as well as the incoming Georgetown Fire Chief Fred A. Mitchell, Jr.

Communications.

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

Communication from the Honorable Stanley C. Rosenberg, President of the Senate, announcing the appointment (pursuant to Section 73 of Chapter 6C of the General Laws) of Mr. Robert Bower to the Public-Private Partnership Infrastructure Commission; and

Communication from the Office of the Comptroller (pursuant to Section 35T of Chapter 10 of the General Laws) submitting its April 2016 Certification of MBTA Dedicated Sales Tax Revenues for the Fiscal Year Ending June 30, 2016 (received March 24, 2016).

Reports of Committees.

By Mr. Lewis, for the committee on Public Health, on Senate, Nos. 1115, 1117, 1121, 1127, 1129, 1131, 1133, 1135, 1136, 1138, 1139, 1142, 1144, 1145, 1146, 1149, 1151, 1152, 1154, 1157, 1158, 1159, 1160, 1163, 1167, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1182, 1183, 1184, 1185, 1186, 1187, 1190, 1192, 1194, 1195, 1197, 1199, 1200, 1201, 1202, 1204, 1209, 1214, 1215, 1216, 1217, 1219, 1220, 1223, 1224, 1225, 1226, 1230, 1231, 1232 and 1233, an Order relative to authorizing the joint committee on Public Health to make an investigation and study of certain current Senate documents relative to public health issues (Senate, No. 2199);

Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Ms. Jehlen, for the committee on Elder Affairs, on Senate No. 352 and House No. 520, a Bill relative to stabilizing the Commonwealth's nursing facilities (Senate, No. 352);

By Mr. Timilty, for the committee on Public Service, on petition, a Bill relative to health insurance for surviving spouses (Senate, No. 1407); and

By the same Senator, for the same committee, on petition, a Bill authorizing the board of directors of Metacomet Emergency Communications Center to accept chapter 32B of the General Laws (Senate, No. 1928);

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

By Ms. Donoghue, for the committee on Economic Development and Emerging Technologies, on Senate, No. 219 and House, No. 302, a Bill relative to promoting local economic development (Senate, No. 219);

By Ms. Chang-Diaz, for the committee on Education, on Senate, No. 297 and House, Nos. 332, 335 and 338, a Bill further defining the role of school resource officers (Senate, No. 297);

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on Senate, No. 456 and House, No. 754, a Bill establishing tracking and reporting requirements for Massachusetts transportation fuels and associated greenhouse gas emissions (Senate, No. 456);

By the same Senator, for the same committee, on Senate, No. 478 and House, No. 3553, a Bill relative to vegetation management (Senate, No. 478);

By Mr. Moore, for the committee on Higher Education, on Senate, Nos. 655, 664 and 688, a Bill to create a college savings program for every child born in Massachusetts (Senate, No. 664);

By Mr. Timilty, for the committee on Public Service, on petition, a Bill to provide retirement benefits for veterans (Senate, No. 1396);

By the same Senator, for the same committee, on petition, a Bill relative to retirement allowances of certain married persons (Senate, No. 1397);

By the same Senator, for the same committee, on petition, a Bill relative to surviving spouses of retirees (Senate, No. 1398);

By the same Senator, for the same committee, on petition, a Bill authorizing the State Retirement Board to grant creditable service to Marion Ishimoto-Yuille (Senate, No. 1416);

By the same Senator, for the same committee, on petition, a Bill providing additional benefits to survivors of certain public safety employees (Senate, No. 1437);

By the same Senator, for the same committee, on petition, a Bill correcting pension inequity for James G. Clothier (Senate, No. 1446) [Representative Whelan of Brewster dissenting];

By the same Senator, for the same committee, on petition, a Bill establishing a sick leave bank for Colleen Russo, an employee of the Department of Developmental Services (Senate, No. 2161);

By Mr. Rodrigues, for the committee on Revenue, on petition, a Bill enhancing Department of Revenue reporting (Senate, No. 1563);

By the same Senator, for same the committee, on Senate, No. 1463 and House, No. 2605, a Bill relative to the improvement in the process for collecting delinquent property taxes (Senate, No. 2192); and

By Mr. Rush, for the committee on Veterans and Federal Affairs, on petition, a Bill relative to workers compensation for veterans (Senate, No. 1909);

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

By Mr. Rodrigues, for committee on Revenue, on petition, a Bill increasing the exemption for residential property to 30 percent in the town of Nantucket (Senate, No. 1937) [Local approval received];

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

PAPERS FROM THE HOUSE.

A Bill establishing a sick leave bank for Steven Everton, an employee of the Department of Developmental Services (House, No. 4054, amended,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Notice was received from the Minority Leader of the House of Representatives that (under Section 12A of Chapter 359 of the Acts of 2014) he had appointed Mary J. Brittain of the town of Lee to serve as his designee on the Water Infrastructure Advisory Committee.

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Wallace Seward, an employee of the Department of Correction (see Senate, No. 2118), 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. Brownsberger) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Robert Fothergill, an employee of the Trial Court (see House, No. 4006), 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. Brownsberger) and sent to the House for enactment.**

Resolutions.

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

Resolutions (filed by Mr. McGee) "commending the Unitarian Universalist Church of Marblehead on hits three-hundredth anniversary"; and

Resolutions (filed by Mr. Rush) "commending John M. Hughes, III on the occasion of his retirement."

Reports of Committees.

By Ms. Forry, for the committee on Housing, on petition, a Bill relative to the Berkshire County Regional Housing Authority (Senate, No. 693).

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

By Mr. Brownsberger, for the committee on the Judiciary, on petition, a Bill relative to Forest Hills Cemetery (Senate, No. 897).

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

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 and James M. Kelcourse for legislation to establish a sick leave bank for Jodi Paris Anastos, an employee of the Operational Services Division;

The rules were suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

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 Karen E. Spilka and Tom Sannicandro for legislation to establish a sick leave bank for Evelena Brown, an employee of the Department of Children and Families.

The rules were suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

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 John F. Keenan and Tackey Chan for legislation relative to commuter transit benefits.

The rules were suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Revenue.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A Bill designating a certain bridge in the city of Boston The Honorable Arthur J. Lewis, Jr. Bridge (House, No. 3637, amended,-- on petition),-- **was read.**

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

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

Petition (accompanied by bill, House, No. 4130) of Danielle W. Gregoire and Carmine L. Gentile that the commissioner of the Division of Capital Asset Management and Maintenance be authorized to acquire a certain parcel of land in the city of Marlborough; and

Petition (accompanied by bill, House, No. 4131) of Thomas M. Petrolati and Eric P. Lesser relative to certain state owned land in the town of Belchertown;

Severally, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

A Bill relative to the use of Glyphosate by utility companies and/or government entities on land located within, on, or above a federally-designated sole source aquifer (House, No. 717),-- **was referred, in concurrence, to the committee on Telecommunications, Utilities and Energy.**

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

Establishing a sick leave bank for Wallace Seward, an employee of the Department of Correction (see Senate, No. 2118);
Authorizing the town of Maynard to grant 6 additional licenses for the sale of all alcoholic beverages to be drunk on the premises and 1 additional license for the sale of wines and malt beverages not to be drunk on the premises (see House, No. 3371, amended);
Relative to the street closure permitting process in the city of Boston (see House, No. 3729); and
Establishing a sick leave bank for Robert Fothergill, an employee of the Trial (see House, No. 4006).

Order Adopted.

On motion of Mr. Tarr,--

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 (Mr. Brownsberger), the members, guests and staff stood in a moment of silence and reflection to the memory of James J. Moskovis.

Adjourn In Memory of James J. Moskovis

The Senator from Essex, Ms. Lovely, moved that when the Senate adjourns today, it adjourn in memory of James J. Moskovis of Salem.

Today the Senate adjourns in memory of James J. Moskovis of Salem, who passed away unexpectedly on March 13th at the age of 63.

Born in New York, New York, James spent most of his life in Arlington before marrying his loving wife Catherine and moving to Salem. James embraced Salem as his hometown with his incredible involvement within the city. He was an active and engaged resident who wanted to do everything he could to make his neighborhood a better place to live. He was passionate and vocal because he knew that, collectively, individuals had the power to drive change. He was a spirited advocate at the local level and encouraged others to do the same. He helped create the Ward 4 Gallows Hill Neighborhood Group in Salem so the residents could come together and have honest conversations about real issues in the community. His city was his top priority and he always put Salem first.

Beyond his passion for local government and politics, James was incredibly proud of his Greek heritage. He enjoyed participating in Greek cultural events throughout the North Shore that celebrated its rich tradition and history.

In short, James was someone you wanted as a constituent, neighbor, colleague, and most importantly, as a friend.

He is survived by his wife of 33 years, Catherine Byrne Moskovis of Salem. He also leaves his siblings, and their spouses: Stella and Nicholas Kazantzis of Woburn, Peter and Anna Moskovis of Colorado, Maria Georgopoulos of Lexington and Athena Pickett of Georgia. He is also survived by his many beloved nephews and nieces. He was predeceased by his father and mother, Peter and Contilo Moskovis as well as his brothers-in-law George Georgopoulos and James Pickett Sr.

Accordingly, as a mark of respect in memory of James J. Moskovis, at twenty-seven minutes past eleven o'clock A.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.