

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, April 11, 2016.

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

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

Report.

Report of the Children's Behavioral Health Knowledge Center (under the provisions of Chapter 321 of the Acts of 2008) submitting its 2015 Annual Report. (received April 11, 2016),-- **was placed on file.**

Reports of Committees.

By Mr. Timilty, for the committee on Public Safety, on petition, a Resolve providing for investigating construction practices and their impact on firefighter deaths (Senate, No. 1278);

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

By Ms. Lovely, for the committee on State Administration and Regulatory Oversight, on petition (accompanied by bill, Senate, No. 1656), a Bill authorizing the Department of Capital Asset Management and Maintenance to lease certain land in the town of Hull to The Friends of the Paragon Carousel, Inc. (Senate, No. 2219);

Read and, under Senate Rule 26C, referred to the committee on Bonding, Capital Expenditures and State Assets.

By Ms. L'Italien, for the committee on Municipalities and Regional Government, on petition, a Bill authorizing municipal use of the prudent investor standards (Senate, No. 1063);

By the same Senator, for the same committee, on petition, a Bill relative to local review for public structures (Senate, No. 1091);

By the same Senator, for the same committee, on petition, a Bill relative to protecting puppies and kittens (Senate, No. 1103);

By the same Senator, for the same committee, on petition, a Bill relative to the maintenance of private roads, bridges, and amenities in municipalities (Senate, No. 1113, changed by striking out the word "majority" from lines 62, 98, 102, 105, 123, 128 and inserting in place thereof the words "seventy five percent");

By Mr. Timilty, for the committee on Public Safety, on petition, a Bill relative to elevator certificates (Senate, No. 1288)

[Representative Vieira of East Falmouth dissenting];

By the same Senator, for the same committee, on petition, a Bill relative to unsafe elevators (Senate, No. 1295) [Representative Vieira of East Falmouth dissenting];

By the same Senator, for the same committee, on petition, a Bill protecting bank employees and customers (Senate, No. 1296) [Representative Heroux of Attleboro dissenting];

By the same Senator, for the same committee, on petition, a Bill establishing an eastern Massachusetts women's county corrections facility (Senate, No. 1297) [Representative Heroux of Attleboro dissenting];

By the same Senator, for the same committee, on petition, a Bill relative to the creation of the Commonwealth technical rescue regions and coordinating council (Senate, No. 1298);

By the same Senator, for the same committee, on petition, a Bill creating a pilot program to limit driving under the influence of alcohol (Senate, No. 1301);
By the same Senator, for the same committee, on petition, a Bill relative to the expansion of the state DNA database (Senate, No. 1303);
By the same Senator, for the same committee, on petition, a Bill establishing the Massachusetts Law Enforcement Memorial Fund (Senate, No. 1307);
By the same Senator, for the same committee, on petition, a Bill relative to police details (Senate, No. 1309);
By the same Senator, for the same committee, on petition, a Bill relative to emergency medical services at certain prison facilities (Senate, No. 1310);
By the same Senator, for the same committee, on Senate, Nos. 1280 and 1311, a Bill relative to police training (Senate, No. 1311);
By the same Senator, for the same committee, on petition, a Bill regulating pawnbrokers (Senate, No. 1312);
By the same Senator, for the same committee, on petition, a Bill requiring health care employers to develop and implement programs to prevent workplace violence (Senate, No. 1313);
By the same Senator, for the same committee, on petition, a Bill relative to the illegal occupation of a building (Senate, No. 1315);
By the same Senator, for the same committee, on petition, a Bill relative to the oversight of inspections (Senate, No. 1316);
By the same Senator, for the same committee, on petition, a Bill relative to amusement devices (Senate, No. 1318);
By the same Senator, for the same committee, on Senate, No. 1322 and House, No. 2114, a Bill relative to automatic sprinkler systems (Senate, No. 1322) [Representatives Heroux of Attleboro and Vieira of East Falmouth dissenting];
By the same Senator, for the same committee, on petition, a Bill relative to zero tolerance for violence and aggression by adults at youth sporting events (Senate, No. 1327) [Representative Vieira of East Falmouth dissenting]; and

By Mr. Timilty, for the committee on Public Service, on Senate, No. 1429 and House, No. 2398, a Bill relative to surviving family of emergency medical technicians (Senate, No. 1429);
Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Ms. L'Italien, for the committee on Municipalities and Regional Government, on petition, a Bill to allow simple majority voting (Senate, No. 1079);
By the same Senator, for the same committee, on petition, a Bill relative to dog pens and kennels (Senate, No. 1081, changed by inserting before the words "for the size" the following words "with a standard dimension of 72 square feet, or larger if necessary");

By Mr. Timilty, for the committee on Public Safety, on petition, a Bill relative to the safe transfer of individuals in emergency situations (Senate, No. 1248); and
By the same Senator, for the same committee, on petition, a Bill to include federal law enforcement officers as police officers (Senate, No. 1305);
Severally read and, under Senate Rule 26, referred to the committee on Rules.

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 Order relative to authorizing the joint committee on Higher Education to make an investigation and study of certain current Senate documents relative to higher education matters (Senate, No. 2214); and
Of the Senate Order relative to authorizing the joint committee on Economic Development and Emerging Technologies to make an investigation and study of certain current Senate documents relative to economic development and emerging technologies issues (Senate, No. 2215);
**And recommending that the same severally be referred to the committee on Rules;
Under Senate Rule 36, the reports were severally considered forthwith and accepted.**

PAPER FROM THE HOUSE

Report of the House committee on Steering, Policy and Scheduling asking to be discharged from further consideration of the House Bill to allow municipalities to invest in credit unions (House, No. 4148),-- **and recommending that the same be referred to the committee on Financial Services,-- was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Resolutions.

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

Resolutions (filed by Mr. Brady) "congratulating John Barthelmes of the town of Hanover on his elevation to the rank of Eagle Scout"; and

Resolutions (filed by Mr. Timilty) “congratulating Mackenzie Anderson on being named a distinguished finalist of the 2016 Prudential Spirit of Community Award”

Engrossed Bill Returned by Governor.

The engrossed Bill establishing a sick leave bank for Wallace Seward, an employee of the Department of Correction (see Senate, No. 2118, amended) (which on Monday, March 28, 2016, had been laid before the Governor for his approbation) was returned, unsigned, with his objections thereto in writing, by His Excellency the Governor, on Thursday, April 7, 2016, at eight minutes past four o’clock P.M. [for message see Senate, No. 2218].

The message (Senate, No. 2186) was read, and the message and the engrossed bill were placed on file.

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 Moyamoya Awareness Day (Senate, No. 1674).

There being no objection, the rules were suspended, on motion of Mr. Fattman, 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 designating May 6 as Moyamoya Disease Awareness Day”. 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 providing for the annual observance of the month of May as the official month of kindness (House, No. 2747).

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

Order Adopted.

Ms. Chandler offered the following order, to wit:

Ordered. That notwithstanding any other orders previously adopted, action on Senate, Nos. 727, 728, 795 and 1275, previously scheduled for consideration on Thursday, April 14, 2016 shall be up for consideration on Wednesday, April 13, 2016 for a second reading, with the amendment pending on Senate, No. 1275. The deadline for amendments to the various bills and new draft shall continue to be at 5:00 P.M., today.

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 Mr. Fattman, and the order was considered forthwith and adopted.

PAPER FROM THE HOUSE

The House Bill authorizing the town of Bedford to grant 8 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3802, amended),-- **came from the House with the endorsement that the House had concurred in the Senate amendment with a further amendment in section 1 by striking out subsection (d) (inserted by amendment by the Senate) and inserting in place thereof the following subsection:**

“(d) If a license granted pursuant to this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority may then grant the license to a new applicant at the same location under the same conditions as authorized in the act.”.

The rules were suspended, on motion of Mr. Fattman, and the further House amendment was adopted, in concurrence (as corrected BTR).

Report of Committees.

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 Patricia D. Jehlen for legislation relative to protecting elders and persons with disabilities.

The rules were suspended, on motion of Mr. Fattman, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Elder 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. 4189) of Carole A. Fiola and Michael J. Rodrigues for legislation to establish a sick leave bank for Laurie Godwin, an employee of the Massachusetts Department of Youth Services;
Petition (accompanied by bill, House, No. 4190) of Donald R. Berthiaume, Jr. and Anne M. Gobi for legislation to establish a sick leave bank for Franco Tarquinio, an employee of the Department of Children and Families; and
Joint petition (accompanied by bill, House, No. 4191) of Claire D. Cronin and Michael D. Brady for legislation to establish a sick leave bank for Carl Taylor, an employee of the Rehabilitation Commission;
Severally, under Joint Rule 12, to the committee on Public Service.

Engrossed Bill.

An engrossed Bill establishing a community enhancement fee stabilization fund in the city of Everett (see House, No. 3831) (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. Donnelly) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Fattman,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Wednesday next at eleven o'clock A.M., in a full formal session without a calendar.

On motion of the same Senator, at fourteen minutes past eleven o'clock A.M., the Senate adjourned to meet again on Wednesday next at eleven o'clock A.M.