

**NOTICE:** While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



### JOURNAL OF THE SENATE.

*Wednesday, April 13, 2016.*

Met at six 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 recited the pledge of allegiance to the flag.

#### *Distinguished Guests.*

There being no objection, the President handed the gavel to Ms. Chang Diaz for the purpose of an introduction. Ms. Chang Diaz then introduced, in the rear of the Chamber, the Roxbury Community College Women's Basketball Team. The team was recognized for winning the NJCAA Division III Women's Basketball National Championship. They are the first team to earn the national championship title from Roxbury Community College, having accomplished this with just 6 players. The Senate applauded their accomplishments and they withdrew from the Chamber. The team was accompanied by Head Coach Mark Leszczyk and Assistant Coach Kisandra Ayanbeku. They were also guests of Senators Forry and Rush.

There being no objection, the President handed the gavel to Ms. Spilka for the purpose of an introduction. Ms. Spilka then introduced, in the rear of the Chamber, six members of Knesset, the Israeli Parliament. The group was visiting Boston as part of the Ruderman Knesset Fellows Program. This program connects Israeli political leaders from across the political spectrum with the American Jewish community. The Senate welcomed them with applause and they withdrew from the Chamber.

#### *Communication.*

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 the Executive Order signed by the Governor revoking and superseding Executive Order 502) of Senator Viriato M. deMacedo to the Plymouth 400th Anniversary Commission; and  
Communication from the Massachusetts College of Art and Design submitting its 2015 Performance Report (received April 11, 2016).

#### *Petitions.*

Petitions were severally presented and referred as follows:

By Mr. Lewis, a petition (accompanied by bill) (subject to Joint Rule 12) of Jason M. Lewis for legislation to establish the Center of Excellence in Community Policing and Behavioral Health; and

By Mr. Rodrigues, a petition (accompanied by bill) (subject to Joint Rule 12) of Michael J. Rodrigues for legislation to establish a sick leave bank for Jeffrey Cowell, an employee of the Department of Correction;

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

*Reports of Committees.*

By Ms. Flanagan, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill establishing a task force relative to the Commonwealth's direct-care workforce (Senate, No. 77);

By the same Senator, for the same committee, on petition, a Bill providing for insurance coverage for vision screening for children (Senate, No. 82);

By the same Senator, for the same committee, on petition, a Bill increasing the personal care allowance for long term care residents (Senate, No. 93);

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

By Ms. Chang-Diaz, for the committee on Education, on petition (accompanied by bill, Senate, No. 254), a Bill authorizing a study of starting times and schedules (Senate, No. 2221);

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

By Ms. Flanagan, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill creating an electronic backpack for foster children (Senate, No. 73);

By Ms. L'Italien, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill to provide consumers with equal protection for all real estate appraisals (Senate, No. 131);

By the same Senator, for the same committee, on petition, a Bill to prohibit the sale of lottery tickets on credit (Senate, No. 160, changed by striking out, in line 1, the number "2012" and inserting in place thereof the following number:- "2014"; and by inserting, in line 3, after the words "given is a" the following words:- "verbal or written"; and by inserting, in line 4, after the words "is payment" the following words:- " , in person, ");

By Ms. Chang-Diaz, for the committee on Education, on petition (accompanied by bill, Senate, No. 269), a Bill relative to the composition of the Board of Elementary and Secondary Education (Senate, No. 2222);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 315), a Bill to support the transition to adult services for persons with disabilities (Senate, No. 2223);

By Mr. Wolf, for the committee on Labor and Workforce Development, on petition, a Bill to provide fair chances for employment (Senate, No. 954);

By the same Senator, for the same committee, on petition, a Bill to improve vocational training opportunities for unemployed workers (Senate, No. 969);

By the same Senator, for the same committee, on petition, a Bill to require recordkeeping at public construction worksites in order to protect first responders (Senate, No. 970);

By the same Senator, for the same committee, on petition, a Bill to wage enforcement statutes of limitations (Senate, No. 974);

By the same Senator, for the same committee, on petition, a Bill to clarify earned paid sick time (Senate, No. 980)

[Representatives McKenna of Webster and Orrall of Lakeville dissenting];

By the same Senator, for the same committee, on petition, a Bill relative to protect temporary workers' unemployment benefits (Senate, No. 981);

By the same Senator, for the same committee, on petition, a Bill to prevent discrimination based on veteran's status (Senate, No. 984);

By the same Senator, for the same committee, on petition, a Bill relative to health and safety on public construction projects (Senate, No. 986);

By the same Senator, for the same committee, on petition, a Bill relative to nondiscrimination regional advisory boards (Senate, No. 989);

By the same Senator, for the same committee, on Senate, No. 992 and House, Nos. 1681, 1776 and 3458, a Bill relative to the creative economy (Senate, No. 992);

By the same Senator, for the same committee, on petition, a Bill relative to employee benefits reporting (Senate, No. 993);

By the same Senator, for the same committee, on petition, a Bill to clarify employer sanctions for improper expenditure of withholdings or deductions from wages (Senate, No. 995);

By the same Senator, for the same committee, on petition, a Bill to expedite appeals of wage violations (Senate, No. 1017);

By the same Senator, for the same committee, on petition, a Bill to combat tax and insurance fraud (Senate, No. 1018); and

By the same Senator, for the same committee, on Senate, No. 2125 and House, No. 3923, a Bill relative to fair wages (Senate, No. 2125);

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

By Mr. Wolf, for the committee on Labor and Workforce Development, on petition, a Bill establishing the refusal to provide certain records as an unfair labor practice (Senate, No. 956);

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

*Committee 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 Resolve providing for investigating construction practices and their impact on firefighter deaths (Senate, No. 1278),-- **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.

A message from His Excellency the Governor recommending legislation relative to state oversight of professional licensing boards (House, No. 4188),-- **was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.**

A petition (accompanied by bill, House, No. 4192) of F. Jay Barrows (by vote of the town) that the town of Foxborough be authorized to establish additional mandated reporters for the purposes of the protection and care of children,-- **was referred, in concurrence, to the committee on Children, Families and Persons with Disabilities.**

A Bill establishing a sick leave bank for Leanna Babineau, an employee of the Department of Developmental Services (House, No. 4123,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

#### *Resolutions.*

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

Resolutions (filed by Ms. Spilka) “congratulating Michael Schuyler McCabe of the town of Hopkinton on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Ms. Spilka) “congratulating Connor John Murchie of the town of Hopkinton on his elevation to the rank of Eagle Scout”; and

Resolutions (filed by Mr. Tarr and Ms. Lovely) “congratulating Bernard F. Creeden on the occasion of his retirement.”

#### *Communications.*

The Clerk read the following communications:

#### THE COMMONWEALTH OF MASSACHUSETTS MASSACHUSETTS SENATE

*April 13, 2016*

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

Dear Mr. Clerk,

During my absence from the Senate Formal Session on April 7, 2016, I was not recorded for a total of three roll call votes.

Had I been present, I would have voted in the following manner:

- On the question on adoption of amendment #28 to S.2203, roll call #270, I would have voted in the affirmative;
- On the question on adoption of amendment #30 to S.2203, roll call #271, I would have voted in the affirmative;
- On the question on passing S.1979 to be enacted, roll call #274, I would have voted in the affirmative.

I ask that these votes be recorded and I respectfully request that a copy of this correspondence be printed in the journal during the next session. Thank you for your assistance on this matter.

*Sincerely,*

JOAN B. LOVELY

On motion of Mr. Ross, the above communication was ordered printed in the Journal of the Senate.

#### PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4219) of John H. Rogers and others for legislation to promote educational resource allocation decisions at the local level,-- was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Education.

*Report of a Committee.*

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Nicole Medina, an employee of the Department of Public Health (House, No. 3874),-- **ought to pass.**  
**There being no objection, the rules were suspended, on motion of Mr. Ross, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

**PAPER FROM THE HOUSE**

*Emergency Preamble Adopted.*

An engrossed Bill financing improvements to certain municipal roads (see House, No. 4133), 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. Donnelly) and sent to the House for enactment.**

*Report of a Committee.*

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Brian Sheehan, an employee of the Middlesex County Sheriff's Office (House, No. 3921),-- **ought to pass.**  
**There being no objection, the rules were suspended, on motion of Mr. Ross, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

**PAPER FROM THE HOUSE**

*Engrossed Bill.*

An engrossed Bill authorizing the town of Bedford to grant 8 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 3802, 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 Acting President (Mr. Donnelly) and laid before the Governor for his approbation.

*Recess.*

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

**PAPER FROM THE HOUSE.**

The engrossed Bill providing for the annual observance of the month of May as the official month of kindness (House, No. 2747),-- came from the House amended as follows:-

By inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to designate forthwith the month of May as the official month of kindness, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

**The rules were suspended, on motion of Mr. Donnelly, and the House amendment was adopted, in concurrence.**

*Matters Taken Out of the Orders of the Day.*

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

The House Bill designating the Sunday preceding the third Monday in April as First Responder Day (House, No. 4161),-- **was read a third time.**

After remarks, the question on passing the bill to be engrossed, in concurrence, was determined by a call of the yeas and nays at twenty-four minutes before two o'clock P.M., on motion of Ms. L'Italien, as follows, to wit (*yeas 35 – nays 0*) [**Yeas and Nays No. 275**]:

**YEAS.**

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.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
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. – 35.
Joyce, Brian A.	

**NAYS – 0.**

**ABSENT OR NOT VOTING.**

Barrett, Michael J.	Rodrigues, Michael J. – 2.
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**The yeas and nays having been completed at seventeen minutes before two o'clock, P.M. the bill was passed to be engrossed, in concurrence.**

The Senate Bill relative to tagging (Senate, No. 727),-- **was read a second time.**

Pending the question on ordering the bill to a third reading, Mr. Ross moved that the bill be amended by inserting at the end thereof the following section:-

“SECTION XX. Section 126B of chapter 266 of the General Laws, as so appearing, is hereby amended in line 11 by striking the words ‘fifteen hundred’ and inserting in place thereof the words ‘two thousand’.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twelve minutes before two o'clock P.M., on motion of Mr. Ross, as follows, to wit (*yeas 7 – nays 28*) [**Yeas and Nays No. 276**]:

**YEAS.**

deMacedo, Viriato M.	Rush, Michael F.
Fattman, Ryan C.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E. – 7.
Ross, Richard J.	

**NAYS.**

Brady, Michael D.	Joyce, Brian A.
Brownsberger, William N.	Keenan, John F.
Chandler, Harriette L.	Lesser, Eric P.
Chang-Diaz, Sonia	Lewis, Jason M.
Creem, Cynthia Stone	L'Italien, Barbara A.
DiDomenico, Sal N.	Lovely, Joan B.
Donnelly, Kenneth J.	McGee, Thomas M.
Donoghue, Eileen M.	Montigny, Mark C.
Downing, Benjamin B.	Moore, Michael O.
Eldridge, James B.	O'Connor Ives, Kathleen
Flanagan, Jennifer L.	Pacheco, Marc R.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 28.

**ABSENT OR NOT VOTING.**

Barrett, Michael J.

Rodrigues, Michael J. – 2.

The yeas and nays having been completed at nine minutes before two o'clock, P.M. the amendment was *rejected*.

Mr. Tarr moved that the bill be amended by striking all after the enacting clause and inserting in place thereof the following:-  
“Section 126B of chapter 266 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking in line 27 the word ‘shall’ and inserting in place thereof the following:- ‘may’.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at three minutes before two o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 7 – nays 28*) [**Yeas and Nays No. 277**]:

**YEAS.**

deMacedo, Viriato M.

Rush, Michael F.

Fattman, Ryan C.

Tarr, Bruce E.

Humason, Donald F., Jr.

Timilty, James E. – 7.

Ross, Richard J.

**NAYS.**

Brady, Michael D.

Joyce, Brian A.

Brownsberger, William N.

Keenan, John F.

Chandler, Harriette L.

Less  
r, Eric P.

Chang-Diaz, Sonia

Lewis, Jason M.

Creem, Cynthia Stone

L'Italien, Barbara A.

DiDomenico, Sal N.

Lovely, Joan B.

Donnelly, Kenneth J.

McGee, Thomas M.

Donoghue, Eileen M.

Montigny, Mark C.

Downing, Benjamin B.

Moore, Michael O.

Eldridge, James B.

O'Connor Ives, Kathleen

Flanagan, Jennifer L.

Pacheco, Marc R.

Forry, Linda Dorcena

Spilka, Karen E.

Gobi, Anne M.

Welch, James T.

Jehlen, Patricia D.

Wolf, Daniel A. – 28.

**ABSENT OR NOT VOTING.**

Barrett, Michael J.

Rodrigues, Michael J. – 2.

The yeas and nays having been completed at two o'clock P.M. the amendment was *rejected*.

Mr. Tarr moved to amend the bill by striking all after the enacting clause and inserting in place thereof the following:-  
“Section 126B of chapter 266 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting in line 27 after the word ‘year’ the following:- ‘provided further, that the person may, after completion of any time served, apply for and shall be granted a hearing before the registrar to request the issuance of a new license for employment or educational purposes or for any other hardship purpose for the balance of the license suspension. The registrar may issue such license under such terms and conditions as he or she may prescribe. If the registrar denies the applicant's request for a hardship license, the registrar shall issue written findings supporting the denial’.”  
The amendment was *rejected*.

Messrs. Ross, Humason and Fattman moves to amend the bill by inserting at the end thereof the following section:-  
“SECTION XX. Section 126B of chapter 266 of the General Laws, as so appearing, is hereby amended in line 21 by striking the word ‘obliteration.’ and inserting in place thereof the following:- ‘obliteration; and provided, however, that if the property marked, injured, marred, defaced or destroyed is a war or veterans' memorial, monument or gravestone, or a religious memorial or monument, the fine under this section shall be doubled and the person convicted shall be ordered to perform not less than 500 hours of court-approved community service’.”  
After remarks, the amendment was *rejected*.

**The bill was then ordered to a third reading and read a third time.**

The question on passing the bill to be engrossed was determined by a call of the yeas and nays at three minutes past two o'clock P.M., on motion of Mr. deMacedo, as follows, to wit (*yeas 28 – nays 7*) [**Yeas and Nays No. 278**]:

**YEAS.**

Brady, Michael D.

Joyce, Brian A.

Brownsberger, William N.

Keenan, John F.

Chandler, Harriette L.

Lesser, Eric P.

Chang-Diaz, Sonia

Lewis, Jason M.

Creem, Cynthia Stone

L'Italien, Barbara A.

DiDomenico, Sal N.

Lovely, Joan B.

Donnelly, Kenneth J.

McGee, Thomas M.

Donoghue, Eileen M.

Montigny, Mark C.

Downing, Benjamin B.

Moore, Michael O.

Eldridge, James B.	O'Connor Ives, Kathleen
Flanagan, Jennifer L.	Pacheco, Marc R.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 28.

**NAYS.**

deMacedo, Viriato M.	Rush, Michael F.
Fattman, Ryan C.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E. – 7.
Ross, Richard J.	

**ABSENT OR NOT VOTING.**

Barrett, Michael J.	Rodrigues, Michael J. – 2.
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**The yeas and nays having been completed at six minutes past two o'clock P.M. the bill was passed to be engrossed, its title having been changed by the he committee on Bills in the Third Reading to read as follows: "An Act further regulating penalties for tagging". Sent to the House for concurrence.**

The Senate Bill relative to the penalty for vandalism (Senate, No. 728),-- **was read a second time.** After remarks and pending the question on ordering the bill to a third reading, Mr. Ross moved that the bill be amended by inserting at the end thereof the following new section:-  
"SECTION XX. Section 126A of chapter 266 of the General Laws, as so appearing, is hereby amended in line 8 by striking the words 'not more than fifteen hundred' and inserting in place thereof the words 'not less than two thousand'."  
After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at nine minutes past two o'clock P.M., on motion of Mr. Ross, as follows, to wit (*yeas 8 – nays 27*) [**Yeas and Nays No. 279**]:

**YEAS.**

deMacedo, Viriato M.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Gobi, Anne M.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E. – 8.

**NAYS.**

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.
DiDomenico, Sal N.	McGee, Thomas M.
Donnelly, Kenneth J.	Montigny, Mark C.
Donoghue, Eileen M.	Moore, Michael O.
Downing, Benjamin B.	O'Connor Ives, Kathleen
Eldridge, James B.	Pacheco, Marc R.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 27.
Joyce, Brian A.	

**ABSENT OR NOT VOTING.**

Barrett, Michael J.	Rodrigues, Michael J. – 2.
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The yeas and nays having been completed at twelve minutes past two o'clock, P.M. the amendment was *rejected*.

Mr. Tarr moved that the bill be amended by striking all after the enacting clause and inserting in place thereof the following:-  
“SECTION 126A of chapter 266 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking in line 29 the word ‘shall’ and inserting in place thereof the following:- ‘may’.”  
The amendment was *rejected*.

Mr. Tarr moved that the bill be amended by striking all after the enacting clause and inserting in place thereof the following:-  
“Section 126A of chapter 266 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting in line 29 after the word ‘year’ the following:- ‘provided further, that the person may, after completion of any time served, apply for and shall be granted a hearing before the registrar to request the issuance of a new license for employment or educational purposes or for any other hardship purpose for the balance of the license suspension. The registrar may issue such license under such terms and conditions as he or she may prescribe. If the registrar denies the applicant's request for a hardship license, the registrar shall issue written findings supporting the denial’.”  
The amendment was *rejected*.

Messrs. Ross, Humason and Fattman moved that the bill be amended by inserting at the end thereof the following section:-  
“SECTION XX. Section 126A of chapter 266 of the General Laws, as so appearing, is hereby amended in lines 21-22 by inserting after the word ‘gravestone,’ the following words:- ‘or a religious memorial or monument,’.”  
The amendment was *rejected*.

**The bill was then ordered to a third reading and read a third time.**

The question on passing the bill to be engrossed was determined by a call of the yeas and nays at sixteen minutes past two o'clock P.M., on motion of Mr. deMacedo, as follows, to wit (*yeas 28 – nays 7*) [**Yeas and Nays No. 280**]:

**YEAS.**

Brady, Michael D.	Joyce, Brian A.
Brownsberger, William N.	Keenan, John F.
Chandler, Harriette L.	Lesser, Eric P.
Chang-Diaz, Sonia	Lewis, Jason M.
Creem, Cynthia Stone	L'Italien, Barbara A.
DiDomenico, Sal N.	Lovely, Joan B.
Donnelly, Kenneth J.	McGee, Thomas M.
Donoghue, Eileen M.	Montigny, Mark C.
Downing, Benjamin B.	Moore, Michael O.
Eldridge, James B.	O'Connor Ives, Kathleen
Flanagan, Jennifer L.	Pacheco, Marc R.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – <b>28.</b>

**NAYS.**

deMacedo, Viriato M.	Rush, Michael F.
Fattman, Ryan C.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E. – <b>7.</b>

Ross, Richard J.

**ABSENT OR NOT VOTING.**

Barrett, Michael J.

Rodrigues, Michael J. – 2.

**The yeas and nays having been completed at nineteen minutes past two o'clock P.M. the bill was passed to be engrossed. Sent to the House for concurrence.**

Ms. Chandler in the Chair, the Senate Bill relative to adjusting the credit for nonpayment of fines (Senate, No. 795),-- **was read a second time.**

After remarks and pending the question on ordering the bill to a third reading, Mr. Tarr moved that the bill be amended by striking in line three the word "sixty" and inserting in place thereof the following:--"up to sixty".

The amendment was *rejected*.

**The bill was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.**

The Senate Bill relative to the use of community corrections for pre-trial detainees and criminal defendants (Senate, No. 1275),-- **was read a second time.**

The President in the Chair, after remarks, and pending the question on ordering the bill to a third reading, the amendment previously recommended by the committee on Ways and Means that the bill be amended by substituting a new draft with the same title (Senate, No. 2216),-- **was considered, and it was adopted.**

**The bill (Senate, No. 2216) was then ordered to a third reading and read a third time.**

After remarks, the question on passing the bill to be engrossed, in concurrence, was determined by a call of the yeas and nays at a half past two o'clock P.M., on motion of Ms. Jehlen, as follows, to wit (*yeas 35 – nays 0*) [**Yeas and Nays No. 281**]:

**YEAS.**

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.

Ross, Richard J.

Fattman, Ryan C.

Rush, Michael F.

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. – 35.

Joyce, Brian A.

**NAYS – 0.**

**ABSENT OR NOT VOTING.**

Barrett, Michael J.

Rodrigues, Michael J. – 2.

**The yeas and nays having been completed at twenty-seven minutes before three o'clock, P.M. the bill was passed to be engrossed.**

**Sent to the House for concurrence.**

*Recess.*

There being no objection, at twenty-five minutes before three o'clock P.M., the President declared a recess subject to the call of the Chair; and, at eight minutes before four o'clock P.M., the Senate reassembled, the President in the Chair.

*Order Adopted.*

Ms. Gobi offered an Order relative to requiring the opinions of the Honorable the Justices of the Supreme Judicial Court on important questions of law relative to the Senate Bill (printed as House, No 753) "An Act preserving public trust rights in land affected by ocean erosion" (Senate, No. 2226).

The rules were suspended, on motion of Ms. Gobi, and the order was considered forthwith; and, after remarks, it was adopted.

**PAPER FROM THE HOUSE**

*Engrossed Bill—State Loan.*

An engrossed Bill financing improvements to certain municipal roads (see House No. 4133) (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 borrowing of money, in accordance with the provisions of Section 3 of Article LXII 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 four o'clock P.M., as follows to wit (*yeas 35 - nays 0*) [**Yeas and Nays No. 282**]:

**YEAS.**

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.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
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. – 35.
Joyce, Brian A.	

**NAYS – 0.**

**ABSENT OR NOT VOTING.**

Barrett, Michael J.	Rodrigues, Michael J. – 2.
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**The yeas and nays having been completed at one minute past four 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.**

*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 Barbara Anderson.

**PAPERS FROM THE HOUSE**  
*Emergency Preambles Adopted*

An engrossed Bill providing for the annual observance of the month of May as the official month of kindness (see House, No. 2747, amended), 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 10 to 0. The bill was signed by the President and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Nicole Medina, an employee of the Department of Public Health (see House, No. 3874), 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 16 to 0. The bill was signed by the President and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Brian Sheehan, an employee of the Middlesex Sheriff's Office (see House, No. 3921), 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 13 to 0. The bill was signed by the President and sent to the House for enactment.**

An engrossed Bill designating the Sunday preceding the third Monday in April as First Responder Day (see House, No. 4161), 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 13 to 0. The bill was signed by the President and sent to the House for enactment.**

*Order Adopted.*

On motion of Mr. Tarr,--

*Ordered*, That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

*Adjourn In Memory of Barbara Anderson*

The Senator from Essex, Mr. McGee, moved that when the Senate adjourns today, it adjourn in memory of Barbara Anderson.

Marblehead resident Barbara Anderson, age 73, passed away on April 8th, after a lengthy battle with leukemia.

Ms. Anderson grew up in St. Mary, Pennsylvania, the only child of Max Horvatin and Mary Ann Fodge. She attended local parochial schools and then went to Penn State until she left after her sophomore year.

She was known as a populist Massachusetts political icon and spent the last four decades fighting for taxpayers through her work with Citizens for Limited Taxation. In 1977, she started there as a part-time volunteer and was hired a year later as an administrative assistant. In 1980, she became the group's executive director a role she held until last year. Her greatest success at Citizens for Limited Taxation came in November of 1980 with the passage of Proposition 2 1/2, four months after she became Executive Director.

In addition to her political work, Ms. Anderson was active in the fight to save historic Fenway Park.

During the 1980s and 1990s, Ms. Anderson was a columnist for the Salem news and Lawrence Eagle-Tribune. She was also a prominent contributor to talk radio.

When asked of her political philosophy, Ms. Anderson recited, the children's story "The Little Red Hen"--"the simple justice of it was so right: if you work for it, you earn it. To a small child who looks for justice in the world this is a great lesson." Ms. Anderson leaves behind her partner of two decades, Chip Ford, as well as her son Lance and daughter-in-law Mary of Nevada, and two grandchildren.

Accordingly, as a mark of respect in memory of Barbara Anderson, at eight minutes past four o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.