

**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, May 16, 2016.*

Met at thirteen 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.

#### *Distinguished Guests.*

There being no objection, the Chair (Mr. Donnelly) handed the gavel to Mr. DiDomenico for the purpose of an introduction. Mr. DiDomenico then introduced, in the rear of the Chamber, a group of students from the Pioneer Charter School of Science in Everett. PCSS is a college prep charter school with a rigorous academic program that puts emphasis on mathematics and science. The Senate welcomed them with applause and they withdrew from the Chamber.

#### *Communication.*

Communication from the Department of Public Health (pursuant to item 4513-1020 of Chapter 46 of the Acts of 2015) submitting its Early Intervention program report with updates from the third quarter of FY16 (received May 12, 2016),-- **was placed on file.**

#### Reports of Committees.

By Mr. Lewis, for the committee on Public Health, on petition (accompanied by bill, Senate, No. 1141), a Bill relative to volunteer ambulance service (Senate, No. 2294);

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

By Mr. Keenan, for the committee on Bonding, Capital Expenditures and State Assets, on petition, a Bill relative to the town of Bellingham and water main easement (Senate, No. 2117) [Fiscal cost: \$0]; and

By the same Senator, for the same committee, a Bill to authorize the commissioner of capital asset management and maintenance to convey a certain parcel of land in the town of Concord (Senate, No. 2272);

**Severally ought to pass;**

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

### PAPERS FROM THE HOUSE

A message from His Excellency the Governor recommending legislation relative to enabling the Commonwealth's administration of the Massachusetts Pollutant Discharge Elimination System (House, No. 4254),-- **was referred, in concurrence, to the committee on Environment, Natural Resources and Agriculture.**

A Bill establishing Massachusetts farm-to-school month and commending farm-to-school programs (House, No. 2782,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill relative to the safety of newborns (House, No. 114,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

*Bills*

Authorizing the town of Pelham to continue the employment of Raymond A. Murphy, Jr. as fire chief (House, No. 3575, amended,-- on petition) [Local approval received]; and  
Relative to the board of selectmen-town manager form of government in the town of Framingham (House, No. 3977, amended,-- on House, No. 3935) [Local approval received on House, No. 3935];  
**Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

*Reports*

Of the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration  
Of the petition (accompanied by bill, House, No. 623) of Ruth B. Balsler, James B. Eldridge and others relative to the disposition of public lands with conservation protected status; and  
Of the petition (accompanied by bill, House, No. 627) of Thomas J. Calter, James M. Cantwell and others for legislation to implement a boating education program within the Division of Law Enforcement of the Department of Fisheries, Wildlife and Environmental Law Enforcement;  
**And recommending that the same severally be referred to the committee on House Rules.  
Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Report of the committee on Health Care Financing asking to be discharged from further consideration of the House Bill relative to HIV-associated lipodystrophy treatment (House, No. 927),-- and recommending that the same be referred to the committee on House Ways and Means,-- was considered forthwith, under Senate Rule 36, and accepted, in concurrence in so much as relates to the discharge of the joint committee.

*Emergency Preambles Adopted.*

An engrossed Bill establishing a sick leave bank for Shannon Wilkins, an employee of the Massachusetts Department of Transportation (see House, No. 4122), 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 Miranda Marie Flanagan, an employee of the Massachusetts Department of Transportation (see House, No. 4124), 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.**

*Resolutions.*

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

Resolutions (filed by Ms. Lovely and Mr. McGee) "congratulating the Saint John's Preparatory School Swimming and Diving Team on their 2016 Massachusetts Interscholastic Athletic Association Division I State Championship."

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

There being no objection, the following matters were taken out of the Orders the Day and considered as follows:  
The Senate Bill authorizing the town of Nantucket to convey certain land held for open space, recreational or conservation purposes to the Nantucket Islands Land Bank and Madaket Construction Trust for open space, recreational or conservation purposes (Senate, No. 1935) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed.  
Sent to the House for concurrence.**

The Senate Bill authorizing the County of Nantucket to convey certain parcels of land to the town of Nantucket (Senate, No. 1936) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed.  
Sent to the House for concurrence.**

The House Bill authorizing the Nantucket Islands Land Bank to convey certain parcels of land held for open space, recreational or conservation purposes to the town of Nantucket for open spaces, recreational or conservation purposes (House, No. 3892) (its

title having been changed by the committee on Bills in the Third Reading),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Wolf presented an amendment striking out section 2 and inserting in place thereof the following 2 sections:-

“SECTION 2. Notwithstanding any general or special law to the contrary, as a condition of the conveyances authorized in section 1, the town of Nantucket shall convey or otherwise transfer certain parcels of land situated in the town of Nantucket and described below to the Nantucket Islands Land Bank for open space, recreational or conservation purposes:

- (i) assessors’ map 39, parcel 8;
- (ii) assessors’ map 32, parcel 23;
- (iii) assessors’ map 33, parcel 10;
- (iv) assessors’ map 59, parcel 28;
- (v) assessors’ map 41, parcel 29; and
- (vi) assessors’ map 74, parcel 52.

SECTION 3. This act shall take effect upon its passage.”

The amendment was **adopted.**

**The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.**

**Sent to the House for concurrence in the amendment.**

#### *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 for Thursday May 19, 2016:

The Senate Bill establishing a commission on the status of children and youth (Senate, No. 88).

The rules were suspended, on motion of Mr. DiDomenico, and the motion to place the matter into the Orders of the Day and on a day certain was accepted.

**Accordingly, the bill will be placed in the Orders of the Day for Thursday May 19, 2016, for a second reading.**

Mr. Montigny, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session for Thursday May 19, 2016:

The Senate Bill to establish a special commission to consider an appropriate tribute to Nelson Mandela in the City of Boston (Senate, No. 1678) (the committee on Rules having recommended that the bill be amended by substituting a Resolve entitled “Resolve establishing a special commission to consider an appropriate tribute to Nelson Mandela in the city of Boston” (Senate, No. 2295).

The rules were suspended, on motion of Mr. Tarr, and the motion to place the matter into the Orders of the Day and on a day certain was accepted.

**Accordingly, the bill will be placed in the Orders of the Day for Thursday May 19, 2016, for a second reading, with the amendment pending.**

Mr. Montigny, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session for Thursday May 19, 2016:

The Senate Bill establishing the special commission on local and regional public health (Senate, No. 2128) (the committee on Rules having recommended that the bill be amended by substituting a new draft with the same title, Senate, No. 2296).

The rules were suspended, on motion of Mr. DiDomenico, and the motion to place the matter into the Orders of the Day and on a day certain was accepted.

**Accordingly, the bill will be placed in the Orders of the Day for Thursday May 19, 2016, for a second reading, with the amendment pending.**

#### **PAPERS FROM THE HOUSE.**

A petition (accompanied by bill, House, No. 4300) of Garrett J. Bradley that the Plymouth County Contributory Retirement System be authorized to issue pension funding bonds or notes,-- **was referred in concurrence, under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.**

#### *Engrossed Bills.*

The following engrossed bills (all of which originated in the House), 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:

To clarify the executive powers of the Board of Water and Sewer Commissioners in the town of Foxborough (see House, No. 3582);

Providing for recall elections in the town of Shirley (see House, No. 3784, amended);

Relative to the Canoe River aquifer advisory committee (see House, No. 3800);

Establishing a sick leave bank for Shannon Wilkins, an employee of the Massachusetts Department of Transportation (see House,

No. 4122); and  
Establishing a sick leave bank for Miranda Marie Flanagan, an employee of the Massachusetts Department of Transportation (see House, No. 4124).

*Recess.*

There being no objection, at twenty-eight minutes before twelve o'clock noon, the Chair (Mr. Donnelly) declared a recess subject to the call of the Chair; and, at twelve o'clock noon, the Senate reassembled, Mr. Donnelly in the Chair.

**PAPERS FROM THE HOUSE.**

A Bill establishing a sick leave bank for Kelli Murphy, an employee of the Trail Court (House, No. 4288,-- 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, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

A petition (accompanied by bill, House, No. 4301) of Daniel J. Ryan and Bruce J. Ayers for legislation to establish a sick leave bank for Jean Barron, an employee of the Executive Office of Public Safety and Security,-- **was referred in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

*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.

On motion of the Senator, at two minutes past twelve o'clock noon, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.