

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, August 24, 2015.

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

Reports.

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

Report of the Executive Office of Energy and Environmental Affairs (pursuant to Chapter 21I of the General Laws) submitting its Progress Report on Toxics Use Reduction in Massachusetts (received August 20, 2015);

Report of the Norfolk District Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003 and section 2KKK of Chapter 29 of the General Laws) 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 August 20, 2015); and

Report of the Division of Capital Asset Management and Maintenance (pursuant to Chapter 223 of the Acts of 2012, as amended by Section 92 of Chapter 287 of the Acts of 2014) submitting a report relative to construction on Daly Field in the Brighton section of the city of Boston (a copy having been forwarded as required to the Senate Chair of the Joint Committee on State Administration and Regulatory Oversight) (received August 21, 2015).

Petitions.

Petitions were severally presented and referred, as follows:

By Mr. Petruccelli, a petition (accompanied by bill, Senate, No. 1999) of Anthony W. Petruccelli (with the approval of mayor and city council) relative to segregated reserve funds in the city of Boston [Local approval received];

**Under Senate Rule 20, referred to the committee on Municipalities and Regional Government.
Sent to the House for concurrence.**

By Mr. Fattman, a petition (accompanied by bill) (subject to Joint Rule 12) of Ryan C. Fattman and Joseph D. McKenna for legislation to designate a certain bridge in the town of Webster as the Webster/Dudley Public Safety Memorial Bridge,-- **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

By Mr. Petruccelli, a petition (accompanied by bill) (subject to Joint Rules 9 and 12) of Anthony W. Petruccelli for legislation to provide for the abandonment of a certain water line easement in Revere and Malden,-- **and the same was transmitted, under the provisions of Section 5 of Chapter 3 of the General Laws, to the Secretary of State.**

PAPERS FROM THE HOUSE

A Bill exempting the position of auditor in the city of Woburn from the civil service law (House, No. 3354,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Recess.

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

Resolutions.

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

Resolutions (filed by Messrs. Joyce and Timilty) "congratulating Norma Simons Fitzgerald on her retirement from the town of Sharon"; and

Resolutions (filed by Mr. Tarr and Ms. O'Connor Ives) "congratulating the North Andover Historical Society on the occasion of the three hundredth anniversary of the Parson Barnard House."

Engrossed Bill Returned by Governor.

The engrossed Bill establishing a sick leave bank for Anthony Hart, an employee of the Department of Mental Health (see Senate, No. 1963) (which on Thursday, August 13, 2015, had been laid before the Governor for his approbation) was returned, unsigned, by His Excellency the Governor, on Friday, August 21, 2015 at a half past two o'clock P.M. [for message see Senate, No. 2000].

The message (Senate, No. 2000) was read, and, on motion of Mr. Ross referred to the committee on Bills in the Third Reading.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Linda Vitt, an employee of the Trial Court (see House No. 3703, 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 2 to 0. The bill was signed by the Acting President (Mr. Petrucci) and sent to the House for enactment.**

Matter Taken Out of the Orders of the Day.

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

The Senate Bill authorizing the town of Ipswich to issue an additional license for the sale of alcoholic beverages to be drunk on the premises and an additional license for the sale of wines and malt beverages not to be drunk on the premises (Senate, No. 1948),-- was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Tarr presented an amendment in section 1, by striking out the first paragraph and inserting in place thereof the following paragraph:-

"Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Ipswich may grant an additional license for the sale of wines and malt beverages not to be drunk on the premises pursuant to section 15 of said chapter 138 to Monarch and Rose Foods Inc. d/b/a Cellar Door, located at 1 North Main street, in the town of Ipswich. The license shall be subject to all of said chapter 138, except said section 17."

The amendment was **adopted.**

The bill (Senate, No. 1948, amended) was then ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee in Bills in the Third Reading to read as follows: "An Act authorizing the town of Ipswich to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises." Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3741) of Ronald Mariano relative to requirements for the issuance of a learner's permit to operate a motorcycle,-- **referred in concurrence, under suspension of Joint Rule 12, to the committee on Transportation.**

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

Establishing a sick leave bank for Robert McMahan, an employee of the Department of Public Health (see Senate, No. 1951, amended);

Authorizing the city known as the town of Bridgewater to lease certain property to the Bridgewater Veterans of Foreign Wars Post 2125, Inc. (see House, No. 3360); and
Relative to the charter of the city of Newton (see House, No. 3563, amended).

The Senate Bill authorizing the board of selectmen of the town of Topsfield to appoint the town clerk (Senate, No. 1949),-- came from the House with an amendment striking out section 2 and inserting in place thereof the following section:-

“SECTION 2. Notwithstanding section 1, the position of elected town clerk in the town of Topsfield shall be abolished upon the effective date of this act and the term of the elected incumbent terminated; provided, however, that the elected incumbent shall then become the first appointed town clerk and shall serve in that capacity for a period of time equivalent to the remainder of the elected term or sooner resignation, retirement or removal. Thereafter, appointments to the position of town clerk shall be made by the board of selectmen pursuant to section 1.”

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

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

Authorizing the board of selectmen of the town of Topsfield to appoint the town clerk (see Senate, No. 1949, amended); and
Establishing a sick leave bank for Linda Vitt, an employee of the Trial Court (see House, No. 3703, amended).

Order Adopted.

On motion of Mr. Ross,--

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

On motion of the same Senator, at one o'clock P.M., the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.