

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, October 3, 2016.

Met at five 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.

Engrossed Bill — Laid Before the Governor.

An engrossed Bill making appropriations for fiscal year 2016 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4664, amended) (which originated in the House), having been passed to be enacted and signed by the Acting President (Mr. Boncore) on Thursday, September 29, 2016,— was laid before the Governor for his approbation on Friday, September 30, 2016.

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 136 of Chapter 219 of the Acts of 2016) of Senator Eileen M. Donoghue and Thomas Emswiler to the Special Commission to make an investigation and study relative to the practical, economic, fiscal and health related impacts of the Commonwealth remaining on eastern daylight time;
Communication from the Department of Public Health (pursuant to item 4513-1020 of Chapter 46 of the Acts of 2015) submitting the Early Intervention program report for the fourth quarter of FY16 (received September 30, 2016); and
Communication from the Office of the Comptroller (pursuant to Section 2E of Chapter 133 of the Acts of 2016) submitting a Fiscal Year 2017 revised transfer schedule for the following account: 1595-1067 Delivery System Transformation Initiatives Trust Fund (received September 29, 2016).

Reports.

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

Report of the Pioneer Valley Transit Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its financial statements and supplementary information for the year ended June 30, 2016 (received September 29, 2016); and
Report of the Massachusetts Computer Attainment Network (pursuant to item 7007-1202 of Chapter 133 of the Acts of 2016 and Section 6I of Chapter 40J of the General Laws) submitting its annual report (received September 29, 2016).

Petition.

Mr. Keenan presented a petition (accompanied by bill, Senate, No. 2496) of John F. Keenan (by vote of the town) for legislation relative to the town charter of Abington [Local approval received];

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

Resolutions.

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

Resolutions (filed by Mr. Donnelly) “commending the Arlington Chamber of Commerce on its one hundredth anniversary ”;
Resolutions (filed by Mr. OConnor) “commending Edward Meehan on the dedication of the Edward Meehan Track at Weymouth High School”;
Resolutions (filed by Mr. Rosenberg) “congratulating the University of Massachusetts on the fiftieth anniversary of Alumni Band Day”; and
Resolutions (filed by Mr. Rush) “commemorating the three hundred seventy fifth anniversary of Mother Brook in the town of Dedham.”

PAPER FROM THE HOUSE.

A Bill relative to permitting the town of Hull to hold a special election on November 8, 2016 (printed in House, No. 4663,-- being a message from his Excellency the Governor),-- 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.

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 Senate Bill relative to eliminating sub-precinct 9A in the town of Andover (Senate, No. 2368),-- **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The House Bill authorizing the city of New Bedford to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4306, amended),-- was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Montigny presented an amendment striking out subsections (c) and (d) and inserting in place thereof the following subsections:-

“(c) The licensing authority shall not approve the transfer of the license granted pursuant to this act to any other location, but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

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

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.

The House Bill validating the actions taken at the annual town election held in the town of Dudley (printed in House, No. 3778),- **was read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4678) of Paul Tucker and others for legislation relative to the taxation of certain alcoholic beverages,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Revenue.**

A Bill relative to the assessment of local property taxes in the town of Westwood (House, No. 4573,-- on petition) [Local approval received],-- 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.

A Bill relative to a municipal employee in the town of Lee, the town of Lenox, or the town of Stockbridge acting in relation to an intermunicipal agreement (House, No. 4598,-- 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.

Engrossed Bills.

The following engrossed bills (both 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 be to enacted and were signed by the Acting President (Mr. Brownsberger) and laid before the Governor for his approbation, to wit:

Relative to certain charges and fees in the town of Charlton (see Senate, No. 2068); and
Authorizing the town of Wenham to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises (see Senate, No. 2291, amended).

An engrossed Bill relative to permitting the town of Hull to hold a special election on November 8, 2016 (see House Bill, printed in House, No. 4663) (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, two-thirds of the members present having voted in the affirmative, and signed by the Acting President (Mr. Brownsberger) and laid before the Governor for his approbation.

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., and that the Clerk be directed to dispense with the printing of 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 R. Earls of Sharon.

Adjourn In Memory of Lieutenant Jason R. Earls

The Senator from Bristol and Norfolk, Mr. Timilty, requested that when the Senate adjourns today, it do so in memory of Lieutenant Jason R. Earls of Sharon.

Jason passed away unexpectedly on September 3, 2016 at the age of 42 while on duty at MCI-Cedar Junction in Walpole.

Jason grew up in Mansfield and later moved to Norton where he was a 1993 graduate of Norton High School. He served in the United States Air Force as a Military Police Officer and was stationed in South Korea and Italy, and was honorably discharged with the rank of Senior Airman.

Following in the footsteps of his father and his late uncle, former Mansfield Police Chief Jesse Earls, Jason worked in law enforcement as a Correctional Officer at MCI-Cedar Junction in Walpole for over 15 years. He was well respected by his peers and rose to the rank of Lieutenant.

Jason also served as a training officer and drill instructor at the Correctional Officers Academy and enjoyed boxing with the "Battle of the Badges" and staying in top physical condition.

While not at work, Jason treasured time with his family. He was the devoted companion of Tara Bisceglia and two daughters, Abigail Suzanne Earls and Hannah Lorena Earls. He was the loving son of Bobby E. Earls and Suzanne M. (Travers) Earls both of Attleboro. He is survived by his brothers Sergeant Chad M. Earls, MCI-Norfolk and his wife Amber of Attleboro and Jordan J. Weygand, MCI-Cedar Junction and his wife Jessica of Attleboro. Jason was a cherished uncle and is also survived by many aunts, uncles, cousins and friends.

Jason was a dedicated public servant who exemplified great capacity for friendship and he will long be remembered for his compassion for his community.

Accordingly, as a mark of respect in memory of Lieutenant Jason R. Earls, at twenty-eight 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.