

**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.

*Thursday, October 15, 2015.*

Met at two minutes past eleven o'clock A.M.

The Senator from Norfolk, Bristol and Middlesex, Mr. Ross, led the President, members, guests and staff in the recitation of the pledge of allegiance to the flag.

#### *Distinguished Guests.*

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Lewis for the purpose of an introduction. Mr. Lewis then introduced, in the rear of the Chamber, Senator Ann Rivers of the Washington State Legislature. Senator Rivers hails from La Center, Washington where she represents the 18th district in the Southern-most district of Washington. Senator Rivers gave the key note address to the marijuana forum sponsored by the UMass School of Public Health. The Senate welcomed her with applause and she withdrew from the Chamber.

#### *Communications.*

The following communications were severally received and placed on file:  
Communication from the Honorable Stanley C. Rosenberg, President of the Senate, announcing the appointment (pursuant to Section 42 of Chapter 46 of the Acts of 2015) of Ms. Corinne Fitzgerald to the Rural Policy Advisory Commission; and  
Communication from the Honorable Stanley C. Rosenberg, President of the Senate, announcing the appointment (pursuant to Section 70 of Chapter 46 of the Acts of 2015) of Senator Linda Dorcena Forry to the Beaches Commission.

#### *Report.*

Report of the Department of Public Health (under the provisions of Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspections of the Massachusetts Treatment Center, Bridgewater; Northeastern Correctional Center, Concord and NCCI Gardner (received October 9, 2015),-- was placed on file.

#### *Petitions Returned by State Secretary.*

The Senate petition (accompanied by bill) (subject to Joint Rules 12 and 9) of Joseph Toolan for legislation to establish the Citizen Rights Investment Corporation Law (having been transmitted to the Secretary of the Commonwealth under the provisions of Section 7 of Chapter 3 of the General Laws and having been returned by the Secretary of the Commonwealth with memorandum relative thereto); and

The Senate petition (accompanied by bill) (subject to Joint Rules 12 and 9) of Joseph Toolan for legislation to establish a Foreign Investment Corporation Law (having been transmitted to the Secretary of the Commonwealth under the provisions of Section 7 of Chapter 3 of the General Laws and having been returned by the Secretary of the Commonwealth with memorandum relative thereto);

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

*Petitions.*

Petitions were severally presented and referred as follows:

By Mr. Humason (by request), a petition (accompanied by bill) (subject to Joint Rule 12) of Kristin Beatty for legislation to require physician training on non-ionizing radiation and electrohypersensitivity; and

By Mr. Tarr, a petition (accompanied by bill) (subject to Joint Rule 12) of Bruce E. Tarr, William N. Brownsberger, James Arciero, Shawn Dooley and other members of the General Court for legislation relative to safe driving and open containers;  
**Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

*Reports of Committees.*

By Mr. McGee, for the committee on Transportation, on Senate Nos. 1815 and 1858, a Bill to prohibit the use of mobile telephones while operating a motor vehicle (Senate, No. 2032);

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

**PAPERS FROM THE HOUSE.**

A petition (accompanied by bill, House, No. 3807) of Paul W. Mark (with the approval of the mayor and town council) relative to the transfer of a license for the sale of all alcoholic beverages not to be drunk on the premises in the city known as the town of Greenfield,-- **was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.**

*Bills*

Establishing a sick leave bank for Shannon Griffin, an employee of the Department of Developmental Services (House, No. 3791,-- on petition); and

Regulating secondary metals dealings (House, No. 3806, amended,-- on House, No. 226);

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

A Bill establishing a State Workforce Development Board (House, No. 3772,-- on House, No. 3570),-- **was read and, under Senate Rules 26, referred to the committee on Rules.**

*Bills*

Increasing the exemption for certain residential real property in the city known as the town of Watertown (House, No. 3586,-- on petition) [Local approval received];

Authorizing the town of Pembroke to use water supply and conservation land for public way purposes (House, No. 3594,-- on petition) [Local approval received]; and

Authorizing the town of Sharon to abate certain real property taxes (House, No. 3595,-- on petition) [Local approval received];

**Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Notice was received from the Minority Leader of the House of Representatives announcing the following appointments to fill vacancies on Joint Committees:

That Ms. Kane of Shrewsbury had been appointed to the committee on Public Health; and

That Ms. Lee of Athol had been appointed to the committee on State Administration and Regulatory Oversight.

These appointments were ratified on Wednesday, October 7, 2015 by a majority vote of the members of the minority party caucus, under House Rule 18A.

*Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:-  
Resolutions (filed by Ms. Creem) commending Verne Vance for his dedicated service to the City of Newton";

Resolutions (filed by Mr. Eldridge) "commending Peggy Jo Brown for her dedicated service to the Glenwood Cemetery in the town of Maynard";

Resolutions (filed by Mr. Eldridge) "commending Freedom's Way Heritage Assoc., Inc. for its dedicated service to the Freedom's Way National Heritage Area";

Resolutions (filed by Mr. Pacheco) "congratulating Kathleen Comiskey Roberts on being the recipient of the town of Raynham's Boston Post Cane Award"; and

Resolutions (filed by Mr. Rosenberg) "congratulating Joan Bernstein on her retirement."

*Communication.*

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE

October 13, 2015

William F. Welch  
Clerk of the Senate  
State House  
Boston, MA 02133

Dear Mr. Welch,

On Thursday, October 8, I attended the Women in Government conference in South Carolina and was unable to attend the formal session. I would like the following votes to be recorded with regard to S 2025 - An Act making appropriations for the fiscal year 2015 to provide for supplementing certain existing appropriations and for certain other activities and projects.

Had I been present for roll call #174 on the adoption of amendment 14 relative to the home care hardship income deduction, I would have voted in the affirmative.

Had I been present for roll call #175 on the adoption of amendment 31 relative to observation days, I would have voted in the affirmative.

Had I been present for roll call #176 on the adoption of amendment 32 relative to infant care necessities, I would have voted in the affirmative.

Had I been present for roll call #177 on the adoption of amendment 76 relative to health care cost transparency compliance, I would have voted in the negative.

Had I been present for roll call #178 on the adoption of amendment 79 relative to underground storage tank cleanup fund increase for third party damages, I would have voted in the affirmative.

Had I been present for roll call #179 on the adoption of amendment 12 to create a commission to study pancreatic cancer, I would have voted in the affirmative.

Had I been present for roll call #180 on the adoption of amendment 29.1 relative to payments for ambulance services, I would have voted in the negative.

Had I been present for roll call #181 on the passing of the bill to be engrossed, I would have voted in the affirmative.

I respectfully request that a copy of this correspondence be printed in the journal during the next session. Thank you in advance for your assistance in this matter.

Thank you for making this communication part of the record.

*Sincerely,*  
EILEEN DONOGHUE  
*State Senator*  
*First Middlesex District.*

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

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

##### *Engrossed Bill.*

An engrossed Bill relative to the transfer of certain funds to be credited to the Housing Preservation and Stabilization Trust Fund for fiscal year 2016 (see House, No. 3673) (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 re-enacted and signed by the President and again laid before the Governor for his approbation.**

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 3810) of John W. Scibak relative to motor vehicle warranties;  
**Under suspension of Joint Rule 12, to the committee on Consumer Protection and Professional Licensure.**

Petition (accompanied by bill, House, No. 3811) of Diana DiZoglio and others for legislation to regulate the dispensing or distribution of medications containing oxycontin to persons under the age of seventeen;  
**Under suspension of Joint Rules 12, to the committee on Mental Health and Substance Abuse.**

##### *Matter Taken Notice Section of the Calendar.*

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered as follows:

The Senate Bill amending the town manager act of Arlington authorizing the town manager to appoint the director of assessments (Senate, No. 1934),-- **was read a third time and passed to be engrossed. Sent to the House for concurrence.**

*Orders of the Day.*

The Orders of the Day were considered, as follows:

*Bills*

Authorizing the town of Milton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 1991);

Relative to preliminary elections for certain offices in the city of Lawrence (House, No. 3598); and

Relative to publication and public hearing requirements for proposed ordinances in the city of Lawrence (House, No. 3603)

**Were severally read a second time and ordered to a third reading.**

The Senate Bill revising the interstate compact on the placement of children (Senate, No. 101),-- **was read a second time and ordered to a third reading.**

**There being no objection, the rules were suspended, on motion of Ms. Flanagan, and the bill read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Tarr moved that the bill be amended by inserting in line 487 after the word "compact" the following words:- "provided that a report is provided to the legislature at least 30 days prior to the final rule going into effect".

The amendment was *rejected*.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at eighteen minutes before twelve o'clock noon, on motion of Ms. Spilka, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 182**]:

**YEAS.**

Barrett, Michael J.	Lesser, Eric P.
Brownsberger, William N.	Lewis, Jason M.
Chandler, Harriette L.	L'Italian, Barbara A.
Chang-Diaz, Sonia	Lovely, Joan B.
Creem, Cynthia Stone	McGee, Thomas M.
deMacedo, Viriato M.	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Downing, Benjamin B.	Pacheco, Marc R.
Eldridge, James B.	Petrucelli, Anthony
Fattman, Ryan C.	Rodrigues, Michael J.
Flanagan, Jennifer L.	Ross, Richard J.
Forry, Linda Dorcena	Rush, Michael F.
Gobi, Anne M.	Spilka, Karen E.

Hedlund, Robert L.

Tarr, Bruce E.

Humason, Donald F., Jr.

Timilty, James E.

Jehlen, Patricia D.

Welch, James T.

Joyce, Brian A.

Wolf, Daniel A. – 37.

Keenan, John F.

**NAYS – 0.**

**ABSENT OR NOT VOTING.**

Donoghue, Eileen M. – 1.

**The yeas and nays having been completed at a quarter before twelve o'clock noon, the bill was passed to be engrossed. Sent to the House for concurrence.**

There being no objection, during consideration of the Orders of the Day, the following matters were considered as follows:

**PAPERS FROM THE HOUSE**

*Engrossed Bills Returned with Recommendation of Amendment.*

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to establishing an internal special audit unit in the Massachusetts Department of Transportation (see House, No. 3666) [being the text contained in section 13 of the General Appropriations Bill (see House, No. 3650)], which had been returned by His Excellency the Governor with recommendation of amendments (for message, see Attachment C of House, No. 3675),— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:-

By striking out all after the enacting clause and inserting in place thereof the following:-

“SECTION 1. Section 9 of chapter 6C of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out subsections (a) to (d), inclusive, and inserting in place thereof the following 4 subsections:-

(a) There shall be within the department but not subject to the department's control an internal special audits. The inspector general shall appoint a director of the internal special audit unit, who shall serve as an assistant inspector general under the supervision of the inspector general, and who shall serve for a term of 6 years. The inspector general may remove the director for cause and shall fill any vacancy for the remainder of the unexpired term. The director shall devote full time and attention to the duties of the unit.

(b) The director may appoint and remove, subject to the approval of the inspector general, such persons as the director shall deem necessary to perform the functions of the unit; provided, however, that section 9A of chapter 30 and chapter 31 shall not apply to those employees. Employees of the unit shall have experience with accounting, auditing, financial analysis, applicable law, business management and public administration and shall devote their full time and efforts to the unit. Employees shall be subject to the rules and regulations established for employees of the office of the inspector general pursuant to chapter 12A. Each person appointed to a position in the unit shall have experience and skill in the field of the person's position.

(c) Pursuant to chapter 12A, the unit shall monitor the quality, efficiency and integrity of the department's operating and capital programs, including those of the Massachusetts Bay Transportation Authority, and seek to prevent, detect and correct fraud, waste and abuse in the expenditure of public or private transportation funds. In accordance with said chapter 12A, the department shall cooperate with the unit in carrying out the unit's duties, including granting access to persons, documents, databases, electronic data and other materials deemed necessary by the director to conduct an investigation, audit or review.

(d) The director may report and refer any instances of fraud, waste or abuse in the expenditures of transportation funds or the procurement of any supplies, services or construction by the department to the inspector general for investigation pursuant to chapter 12A and the results of such investigation may be referred to the attorney general for appropriate action.

SECTION 2. This act shall take effect as of July 1, 2015.”

**The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.**

**The rules were suspended, on motion of Mr. McGee, and the Governor's amendment was considered forthwith.**

**After remarks, on motion of the same Senator, the Governor's amendment was adopted, in concurrence (as corrected**

**BTR).**

**Sent to the House for re-enactment.**

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to expedited hearings regarding the final classification of sex offenders (see House, No. 3669) [being the text contained in section 51 of the General Appropriations Bill (see House, No. 3650)], which had been returned by His Excellency the Governor with recommendation of amendments (for message, see Attachment C of House, No. 3675)],— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:-

By striking out all after the enacting clause and inserting in place thereof the following:-

“Paragraph (3) of the second paragraph of section 14 of chapter 30A of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by adding the following sentence:- Notwithstanding the foregoing, if the sex offender registry board issues a stay of a final classification in a sex offender registry board proceeding then such stay shall be for not more than 60 days but if a court issues a stay of a final classification in a court appeal held pursuant to section 178M of chapter 6, then such hearing shall be expedited and such stay shall be for not more than 60 days, without written findings and good cause shown.”

**The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.**

**The rules were suspended, on motion of Mr. Timilty, and the Governor’s amendment was considered forthwith.**

**After remarks, on motion of the same Senator, the Governor’s amendment was adopted, in concurrence (as corrected BTR).**

**Sent to the House for re-enactment.**

**Message from the Governor — Disapprovals**  
*General Appropriations Bill.*

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2016 for the maintenance of the departments, boards commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements. (see House, No. 3650), which on Wednesday, July 8, 2015, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the disapproval of the Governor.

The message (House, No. 3675) was read; and the Senate proceeded to reconsider several items, which had been disapproved in accordance with the provisions of the Constitution.

Section 119. (Compensation Rates - Public Counsel Services) was considered as follows:

“SECTION 119. Subsection (a) of section 11 of chapter 211D of the General Laws, as so appearing, is hereby amended by striking out, in lines 9 and 10, the words ‘\$50 per hour; for children and family law cases, care and protection cases,’ and inserting in place thereof the following words:- \$53 per hour; for children and family law cases and care and protection cases the rate of compensation shall be \$55 per hour; for.”

The Governor disapproved this section.

After remarks, the question on passing section 119, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at four minutes before twelve o’clock noon, as follows, to wit (*yeas 33 — nays 3*) [**Yeas and Nays No. 183**]:

**YEAS.**

Brownsberger, William N.	L’Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Donnelly, Kenneth J.	O’Connor Ives, Kathleen

Downing, Benjamin B.	Pacheco, Marc R.
Eldridge, James B.	Petruccelli, Anthony
Flanagan, Jennifer L.	Rodrigues, Michael J.
Forry, Linda Dorcena	Ross, Richard J.
Gobi, Anne M.	Rush, Michael F.
Humason, Donald F., Jr.	Spilka, Karen E.
Jehlen, Patricia D.	Tarr, Bruce E.
Joyce, Brian A.	Timilty, James E.
Keenan, John F.	Welch, James T.
Lesser, Eric P.	Wolf, Daniel A. – 33.
Lewis, Jason M.	

**NAYS.**

deMacedo, Viriato M.	Hedlund, Robert L. – 3.
Fattman, Ryan C.	

**ANSWERED “PRESENT”.**

Barrett, Michael J. (*present*) – 1.

**ABSENT OR NOT VOTING.**

Donoghue, Eileen M. – 1.

**The yeas and nays having been completed at three minutes before twelve o’clock noon, section 119 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

Section 123. (Suffolk County Session Clerk) was considered as follows:

“SECTION 123. Chapter 221 of the General Laws, as so appearing, is hereby amended by striking out section 16A and inserting the following section:-

Section 16A. The clerk of the superior court for criminal business in Suffolk county may designate, with the approval of the chief justice of the trial court, 1 assistant clerk appointed under section 5, as the unified session clerk to perform, under the direction of the clerk of the superior court for criminal business in Suffolk county, duties pertaining to the statewide unified session for trials and hearings relative to the determination of sexually dangerous persons pursuant to section 9 of chapter 123A. Such clerk shall receive in addition to the salary paid to him as an assistant clerk under section 4, a sum equivalent to 10 per cent of the salary of

an assistant clerk.”

The Governor disapproved this section.

The question on passing section 123, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at two minutes past twelve o'clock noon, as follows, to wit (*yeas 31 — nays 6*) **[Yeas and Nays No. 184]:**

**YEAS.**

Barrett, Michael J.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Downing, Benjamin B.	Pacheco, Marc R.
Eldridge, James B.	Petruccelli, Anthony
Flanagan, Jennifer L.	Rodrigues, Michael J.
Forry, Linda Dorcena	Rush, Michael F.
Gobi, Anne M.	Spilka, Karen E.
Jehlen, Patricia D.	Timilty, James E.
Joyce, Brian A.	Welch, James T.
Keenan, John F.	Wolf, Daniel A. — <b>31.</b>
Lesser, Eric P.	

**NAYS.**

deMacedo, Viriato M.	Humason, Donald F., Jr.
Fattman, Ryan C.	Ross, Richard J.

Hedlund, Robert L.

Tarr, Bruce E. – 6.

**ABSENT OR NOT VOTING.**

Donoghue, Eileen M. – 1.

**The yeas and nays having been completed at four minutes past twelve o'clock noon, section 184 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

Section 140 (Martha's Vineyard Airport) was considered as follows:

“SECTION 140. Notwithstanding any general or special law to the contrary, neither the aeronautic commission, nor the airport commission, having the custody, care and management of Martha's Vineyard airport, shall in any way interfere with the rights of the county commissioners of Dukes county to appoint airport commissioners at the expiration of a term or upon a vacancy, pursuant to sections 39G and 51E of said chapter 90 of the General Laws. This section shall not be construed to authorize a reorganization of the airport commission.”

The Governor disapproved this section.

The question on passing section 140, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at seven minutes past twelve o'clock noon, as follows, to wit (*yeas 31 - nays 5*) **[Yeas and Nays No. 185]:**

**YEAS.**

Barrett, Michael J.

Lesser, Eric P.

Brownsberger, William N.

Lewis, Jason M.

Chandler, Harriette L.

L'Italien, Barbara A.

Chang-Diaz, Sonia

Lovely, Joan B.

Creem, Cynthia Stone

McGee, Thomas M.

deMacedo, Viriato M.

Montigny, Mark C.

DiDomenico, Sal N.

Moore, Michael O.

Donnelly, Kenneth J.

O'Connor Ives, Kathleen

Downing, Benjamin B.

Pacheco, Marc R.

Eldridge, James B.

Petrucelli, Anthony

Flanagan, Jennifer L.

Rodrigues, Michael J.

Forry, Linda Dorcena

Rush, Michael F.

Gobi, Anne M.

Spilka, Karen E.

Jehlen, Patricia D.

Timilty, James E.

Joyce, Brian A.

Welch, James T. – **31**.

Keenan, John F.

**NAYS.**

Fattman, Ryan C.

Ross, Richard J.

Hedlund, Robert L.

Tarr, Bruce E. – **5**.

Humason, Donald F., Jr.

**ANSWERED “PRESENT”.**

Wolf, Daniel A. (*present*) – **1**.

**ABSENT OR NOT VOTING.**

Donoghue, Eileen M. – **1**.

**The yeas and nays having been completed at ten minutes past twelve o'clock noon, section 140 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

Section 159. (Task Force for Drug Disposal Program) was considered as follows:

“SECTION 159. There shall be established a task force to study the feasibility of a state or privately operated prescription drug disposal program. Said program shall be relative to the collection and safe disposal of federally scheduled prescription medications. The task force shall review any state or federal regulations related to safe disposal of scheduled medications, including those relative to take-back events, mail-back programs or collection receptacles. The task force shall investigate alternative options for scheduled prescription drug collection and safe disposal, including, but not limited to, community-run or law-enforcement-run programs in New England states and drug stewardship programs in Alameda County, California and Kings County, Washington. The task force shall submit a report of its findings to clerks of the house of representatives and senate who shall forward the same to the house and senate committees on ways and means, the joint committee on public health and the joint committee on mental health and substance abuse on or before October 13, 2015.

The task force shall be comprised of the following members: the commissioner of the department of public health or a designee, the commissioner of public safety and security or a designee, the attorney general or a designee, the executive director of the Massachusetts Sheriffs Association, or a designee, the commissioner of environmental protection or a designee, and the president of the Massachusetts Biotechnology Council, Inc. or a designee.”

The Governor disapproved this section.

After remarks, the question on passing section 159, in concurrence, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eleven minutes past twelve o'clock noon, as follows, to wit (*yeas 36 -nays 1*) [**Yeas and Nays No. 186**]:

**YEAS.**

Barrett, Michael J.

Lesser, Eric P.

Brownsberger, William N.

Lewis, Jason M.

Chandler, Harriette L.	L'Italien, Barbara A.
Chang-Diaz, Sonia	Lovely, Joan B.
Creem, Cynthia Stone	McGee, Thomas M.
deMacedo, Viriato M.	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Downing, Benjamin B.	Pacheco, Marc R.
Eldridge, James B.	Petruccelli, Anthony
Flanagan, Jennifer L.	Rodrigues, Michael J.
Forry, Linda Dorcena	Ross, Richard J.
Gobi, Anne M.	Rush, Michael F.
Hedlund, Robert L.	Spilka, Karen E.
Humason, Donald F., Jr.	Tarr, Bruce E.
Jehlen, Patricia D.	Timilty, James E.
Joyce, Brian A.	Welch, James T.
Keenan, John F.	Wolf, Daniel A. – 36.

**NAYS.**

Fattman, Ryan C. – 1.

**ABSENT OR NOT VOTING.**

Donoghue, Eileen M. – 1.

**The yeas and nays having been completed at fourteen minutes past twelve o'clock noon, section 159, contained in section 2, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

*Report of a Committee.*

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to enhanced enforcement of civil penalties (Senate, No. 967),-- ought to pass.

*Order Adopted.*

Ms. Spilka offered the following order, to wit:

*Ordered*, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill relative to enhanced enforcement of civil penalties (Senate, No. 967) shall be placed in the Orders of the Day for a second reading on Thursday, October 22, 2015.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, October 19, 2015. All such amendments shall be second-reading amendments to Senate, No. 967, but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

**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. Wolf, and the order was considered forthwith and adopted.**

**The bill will be placed in the Orders of the Day for Thursday, October 22 for a second reading.**

*Report of a Committee.*

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to fairness in worker's compensation disfigurement benefits (Senate, No. 968) (also based on Senate Bill, printed as House, No. 1707),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2033).

*Order Adopted.*

Ms. Spilka offered the following order, to wit:

*Ordered*, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill relative to fairness in worker's compensation disfigurement benefits (Senate, No. 968) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2033) shall be placed in the Orders of the Day for a second reading on Thursday, October 22, 2015.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, October 19, 2015. All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2033), but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

**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. Wolf, and the order was considered forthwith and adopted.**

**The bill will be placed in the Orders of the Day for Thursday, October 22 for a second reading, with the amendment pending.**

*Recess.*

At eighteen minutes past twelve o'clock noon, at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at ten minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.

At nine minutes before two o'clock P.M., Mr. Tarr doubted the presence of a quorum. The President having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently, at four minutes before two o'clock P.M., a quorum was declared present.

*Orders of the Day.*

The Orders of the Day were further considered, as follows:

The Senate Bill relative to the re-homing of children (Senate, No. 75),-- **was read a second time. Pending the question on adoption of the amendment previously recommended by the committee on Ways and Means and pending the main question on ordering the bill to a third reading, on motion of Mr. Brownsberger, the further consideration thereof was postponed until Thursday, November 5.**

*Order Adopted.*

On motion of Mr. Tarr,--

*Ordered,* That when the Senate adjourns today, it adjourn to meet again on Monday 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 President, the members, guests and staff stood in a moment of silence and reflection to the memory of Justin W. DeArco .

Adjourn In Memory of Justin W. DeArco

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

30-year-old Justin W. DeArco of Lynn passed away on Tuesday, September 15th. He was the beloved husband of Tanya DeArco, the beloved son of Mario and Dana DeArco and the beloved grandson of May Baez. Justin is also survived by his son, Jaydin and his stepson Ezekiel Diaz as well as his brother Logan DeArco and sister-in-law Sandra.

Born in Glen Ridge, New Jersey, Justin grew up and spent the majority of his life in West Lynn. He attended Lynn schools and was a 2003 graduate of Lynn Classical High School. After high school, Justin enlisted in the Army National Guard and served as a military police officer in the 972nd Military Police Company in Reading, Massachusetts. Justin was also deployed in the country of Qatar.

Additionally, he worked as a security officer for Allied Barton. Justin enjoyed traveling, music, movies and television, cars, hiking, especially in Lynn Woods, but most importantly spending time with his friends and family..

Accordingly, as a mark of respect in memory of Justin W. DeArco, at one minute past two o'clock P.M., on motion of Mr. McGee, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.