

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**THURSDAY, DECEMBER 1, 2016.**

[113]

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JOURNAL OF THE SENATE.

Thursday, December 1, 2016.

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

Pledge of allegiance.

Communications.

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

Communication from the Department of Public Health relative to receipt of plans of correction for MCI Concord and NCCI Gardner (received November 28, 2016);

DPH,-- plan of correction. SD2753

Communication from the Office of the Comptroller (pursuant to Chapter 133 of the Acts of 2016, Section 2E) submitting a revised Fiscal Year 2017 transfer schedule: 1595-1068 – Executive Office for Health and Human Services – Medical Assistance Trust Fund (received November 30, 2016); and

Comptroller,-- Medical Assistance Trust SD2760

Communication from the Department of Agricultural Resources, on behalf of the Massachusetts Food Policy Council, submitting a report on said council's priority-setting work related to the Massachusetts local food action plan (received November 22, 2016).

Food Policy Council,-- local food action plan. SD2761

Reports.

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

Report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of Bridgewater State Hospital; Bristol County Jail and House of Correction; Bristol County Modular Building; Dartmouth I.C.E. Facility; Dartmouth Women's Center; Essex County Correctional Facility; Suffolk County House of Correction and Suffolk County Jail (received November 28, 2016);

DPH,-- facility inspection reports. SD2754

Report of the Lowell Regional Transit Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its financial statements, required supplementary information and supplementary information for the year ended June 30, 2016 (received November 28, 2016);

Lowell Regional Transit Authority,-- annual report. SD2755

Report of the Metro West Regional Transit Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its financial statements, required supplementary information and supplementary information for the year ended June 30, 2016 (received November 28, 2016);

MWRTA,-- audited financial statements. SD2756

Report from the Attorney General's Office (pursuant to Section 4 of Chapter 141 of the Acts of 2015) submitting information detailing efforts made by the Attorney General's Office to provide notification of the effects of this law to foreclosed upon homeowners and those facing foreclosure;

AGO,-- clearing title advisory. SD2757

Report of the Special Commission on Addiction Treatment Centers (pursuant to Section 60 of Chapter 52 of the Acts of 2016) submitting its final report on the

EOHHS,-- addiction treatment centers.

results of its investigation and its recommendations; and

SD2758

Report of the Special Commission on Substance Misuse and Pain Treatment (pursuant to Section 58 of Chapter 52 of the Acts of 2016) submitting its recommendations and list of references and resources available on the topic (received November 30, 2016).

Commission on  
Substance Misuse  
and Pain Treatment.  
SD2759

*Petition.*

Ms. L'Italien presented a petition (subject to Joint Rule 7B) of Barbara A. L'Italien for legislation to create a municipal services facility mitigation fund for the town of Andover;

Andover,--  
mitigation fund.  
SD2749

**Under Senate Rule 20, referred to the committee on Rules.**

PAPER FROM THE HOUSE.

Notice was received from the Speaker of the House of Representatives announcing the following appointment:

That Representative Cantwell of Marshfield to the special commission on behavioral health promotion and upstream prevention established (under Section 193 of Chapter 133 of the Acts of 2016) to investigate evidence-based practices, programs and systems to prevent behavioral health disorders and promote behavioral health across the Commonwealth.

Behavioral health,--  
promotion.

*Recess.*

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

Recess.

*Resolutions.*

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

Resolutions (filed by Mr. Ross and Ms. Creem) "congratulating Benjamin David Lussier of the town of Wellesley on his elevation to the rank of Eagle Scout"; and

Benjamin David  
Lussier.

Resolutions (filed by Mr. Ross) "congratulating Scott Bethel Sirri of the town of Sherborn on his elevation to the rank of Eagle Scout."

Scott Bethel Sirri.

*Report of a Committee.*

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Marc R. Pacheco and Patricia A. Haddad for legislation to establish a sick leave bank for Lynn Frith, an employee of the Department of Mental Health.

Lynn Frith,--  
sick leave.  
SD2747

**The rules were suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.**

**Sent to the House for concurrence.**

*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 House Bill correcting a procedural omission regarding actions against certain decedents under the Uniform Probate Court (House, No. 1194) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

Uniform Probate Code.

Pending the question on passing the bill to be engrossed, Mr. Rosenberg presented an amendment in section 1, by striking out, in line 6, the word “may” and inserting in place thereof the following words:- “shall only”.

**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.**

PAPERS FROM THE HOUSE

A Bill amending the charter of the town of Nantucket relative to newspaper publication of town meeting warrants (House, No. 4318,-- on petition) [Local approval received],-- was read.

Nantucket,-- town meeting warrants.

**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 Bill.*

An engrossed Bill relative to amphibious sight-seeing vehicle safety (see Senate, No. 2473) (which originated in the Senate), **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. DiDomenico) and laid before the Governor for his approbation.**

Bill laid before Governor.

The House Bill authorizing the disclosure of medical information to certain designated caregivers (House, No. 3911, amended),-- came from the House with the endorsement that the House had concurred in the Senate amendment *with further amendments* in section 2 by striking out the words “promulgate regulations”, as amended by the House, and inserting in place thereof the following words:- “issue guidance to hospitals”;

Caregivers,-- medical information.

By striking out section 3, inserted by amendment by the House, and inserting in place thereof the following section:-

“SECTION 3. Section 1 shall take effect upon the issuance of the guidance to hospitals as required by section 2 or 8 months after the effective date of section 2, whichever occurs first”; and

By striking out the emergency preamble, inserted by amendment by the House.

**There being no objection, the rules were suspended, on motion of Mr. Tarr, and the further House amendments were adopted, in concurrence (as corrected BTR).**

*Engrossed Bill.*

An engrossed Bill protecting the rights of custodial and other non-teaching

Bill laid before Governor.

**UNCORRECTED PROOF.**

employees of school districts (see House, No. 2319, 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. DiDomenico) 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 Monday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Time of meeting.

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