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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Monday, January 25, 2016.

Met at nine 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.

Petitions.

Petitions were severally presented and referred, as follows:

By Ms. O'Connor Ives, a petition (accompanied by bill, Senate, No. 2111) of Kathleen O'Connor Ives and James M. Kelcourse (by vote of the town) for legislation relative to liquor licenses within the town of Salisbury [Local approval received];

Under Senate Rule 20, to the committee on Consumer Protection and Professional Licensure.

By Mr. Joyce, a petition (accompanied by bill, Senate, No. 2112) of Brian A. Joyce, Daniel Cullinane and Walter F. Timilty (by vote of the town) for legislation to increase the membership of the board of selectmen of the town of Milton from three to five members [Local approval received];

Under Senate Rule 20, to the committee on Municipalities and Regional Government.

Severally sent to the House for concurrence.

Reports of Committees.

By Mr. Timilty, for the committee on Public Service, on petition (accompanied by bill, Senate, No. 1997), a Bill relative to group insurance costs for certain public retirees (Senate, No. 2113);

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

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on Senate Nos. 415, 424 and 429 and House Nos. 672, 762, 3236, 3239, a Bill expanding the powers of the director of Fisheries and Wildlife (Senate, No. 415);

By the same Senator, for the same committee, on petition, a Bill to provide additional funding for animal welfare and safety programming (Senate, No. 445);

By the same Senator, for the same committee, on petition, a Bill relative to pesticide applications (Senate, No. 473, changed in line 12, by striking the word "in" and inserting in place thereof the word "is"; and in line 14, by striking the word "2016" and inserting in place thereof the word "2017");

By the same Senator, for the same committee, on petition (accompanied by bill Senate, No. 460), a Bill relative to horse riding instructor's licenses (Senate, No. 2108);

By Mr. Brownsberger, for the committee on the Judiciary, on petition, a Bill establishing a sick leave bank for Stephen Rogan, an employee of the Trial Court (Senate, No. 2087);

By Mr. Timilty, for the committee on Public Service, on petition, a Bill relative to retirement buy back into the Massachusetts teachers' retirement system (Senate, No. 1354);

By the same Senator, for the same committee, on petition, a Bill relative to retirement buy back in to the Massachusetts teachers' retirement system (Senate, No. 1394); and

By the same Senator, for the same committee, on petition, a Bill relative to funeral and burial expenses (Senate, No. 1436);
Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on Senate Nos. 414, 427 and 431 and House No. 3237, a Bill relative to the use of crossbows in hunting (Senate, No. 414); and

By the same Senator, for the same committee, on petition, a Bill to provide equal access to service animal trainers (Senate, No. 444);

Severally read and, under Senate Rule 26, referred to the committee on Rules.

PAPERS FROM THE HOUSE

A petition (accompanied by bill, House, No. 3957) of James J. Dwyer, Jay R. Kaufman and Kenneth J. Donnelly (with the approval of the mayor and city council) that the city of Woburn be authorized to use a certain parcel of land in said city for recreational purposes,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government .**

A Bill establishing a sick leave bank for Ronald Brace, an employee of the Department of Youth Services (House, No. 3916,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Resolutions.

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

Resolutions (filed by Mr. Rush) "congratulating Justice Dorothy M. Gibson on the occasion of her retirement."

Reports of Committees.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to redevelopment in the Roxbury area of the city of Boston (Senate, No. 1058, changed),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Ms. Chang-Diaz, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act further regulating redevelopment in the Roxbury section of the city of Boston".

Sent to the House for concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Janaina Euriques, an employee of the Department of Children and Families (House, No. 3900),-- **ought to pass.**

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.

PAPER FROM THE HOUSE

The House Bill authorizing the town of Tyngsborough to grant additional licenses for the sale of alcoholic beverages (House, No. 3691, amended),-- came from the House with the endorsement that the House had concurred in the Senate amendment with a further amendment striking out all after the enacting clause and inserting in place thereof the following:-

"SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Tyngsborough may grant: (i) 4 additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138; (ii) 2 additional licenses for the sale of wines and malt beverages to be drunk on the premises pursuant to said section 12 of said chapter 138; and (iii) 2 additional licenses for the sale of all alcoholic beverages not to be drunk on the premises pursuant to section 15 of said chapter 138, to operators and locations to be determined by the licensing authority in accordance with this section. The licenses shall be subject to all of said chapter 138 except said section 17. (b) The licensing authority of the town of Tyngsborough shall restrict the licenses authorized by this section in the following manner: (i) 1 license for the sale of all alcoholic beverages to be drunk on the premises pursuant to said section 12 of said chapter 138 shall be restricted to an entity located in the town center, a designated economic development zone which is 2,000 feet from the intersection of Middlesex road and Kendall road, and with a maximum of 50 seats; (ii) 1 license for the sale of all alcoholic beverages to be drunk on the premises pursuant to said section 12 of said chapter 138 shall be restricted to an entity located in the town center with a maximum of 75 seats; (iii) 1 license for the sale of all alcoholic beverages to be drunk on the premises pursuant to said section 12 of said chapter 138 shall be restricted to an entity located in the town center with a maximum of 100 seats; (iv) 1 license for the sale of wines and malt beverages to be drunk on the premises pursuant to said section 12 of said chapter 138 shall be restricted to an entity located in the town center with a maximum of 50 seats; and (v) 2 licenses for the sale of all alcoholic beverages not to be drunk on the premises pursuant to section 15 of said section 138 shall be restricted to entities located on the east side of the Merrimack river; provided, however, 1 license for the sale of all alcoholic beverages to be drunk on the premises or 1 license for the sale of wines and malt beverages to be drunk on the premises granted pursuant to this subsection

shall also be restricted to an entity with frontage on Kendall road, Middlesex road or Pawtucket boulevard and such frontage shall be as required by the zoning by-laws of the town of Tyngsborough or by variance or shall be a legal preexisting, nonconforming lot.

(c) The licensing authority may approve the transfer of a license issued pursuant to this section to another 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; provided, however, that any such license shall remain subject to any restriction set forth in subsection (b) that applied to the license as initially issued.

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

SECTION 2. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Tyngsborough may grant 6 additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138. The licenses shall be subject to all of said chapter 138 except said section 17.

(b) Once issued, the licensing authority shall not approve the transfer of a license granted pursuant to this section 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.

(c) If a license granted pursuant to this section is cancelled, revoked or no longer in use, it 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 under the same conditions as specified in this section.

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

The rules were suspended, on motion of Mr. Tarr, and the further House amendment was adopted, in concurrence.

Reports of Committees.

By Mr. Montigny, for the committee on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Jennifer L. Flanagan for legislation relative to the promotion of mental health education in Massachusetts high schools.

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 Education.

By Mr. Montigny, for the committee on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Richard J. Ross and Shawn Dooley for legislation to designate a certain intersection in the town of Plainville as the Special Police Officer Michael Maher Memorial Intersection.

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 Transportation.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE

A petition (accompanied by bill, House, No. 3974) of David Paul Linsky and Karen E. Spilka for legislation to include public works employees for killed-in-the-line-of-duty benefits,-- **was referred in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Engrossed Bills.

An engrossed Bill authorizing the recertification of the fiscal year 2016 tax rate for the town of Holbrook (see House Bill, printed in House, No. 3951) (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.

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

Relative to certain elections by the city council in the city of Lawrence (see House, No. 3600);

Relative to members of the city council in the city of Lawrence (see House, No. 3601);

Relative to the standing committee on Housing in the city of Lawrence (see House, No. 3602);

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

Providing for the appointment of a superintendent of streets in the town of Hardwick (see House, No. 3865); and

Providing for a selectmen – town manager form of government in the town of Wellesley (see House, No. 3883).

Engrossed Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill extending a certain property tax exemption for seniors in the town of Sudbury (see House, No. 3890, amended), which had been returned by His Excellency the Governor with recommendation of amendments (for message, see House, No. 3965)],— 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. Chapter 169 of the acts of 2012 is hereby amended by striking out section 8 and inserting in place thereof the following section:-

Section 8. (a) The town meeting of the town of Sudbury shall, between January 2 and June 29 in the year 2018 and every 3 calendar years thereafter, provided that this act has not sooner expired pursuant to subsection (c), vote on the following question: ‘Shall an act passed in the general court in the year 2012 entitled, “An act authorizing the town of Sudbury to establish a means tested senior citizen property tax exemption” be extended for another 3 years?’

(b) If any vote taken at town meeting pursuant to subsection (a) is in the affirmative then this act shall continue in effect.

(c) If any vote taken at town meeting pursuant to subsection (a) is in the negative then this act shall expire.

SECTION 2. This act shall be submitted to the voters of the town of Sudbury at an annual or special town election in the form of the following question:

‘Shall an act passed by the general court in the year 2016, entitled “An Act extending a certain property tax exemption for seniors in the town of Sudbury”, be accepted?’

If a majority of the votes cast in answer to this question is in the affirmative, section 1 of this act shall take effect immediately in the town of Sudbury, but not otherwise.

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

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. Tarr, and the Governor’s amendment was considered forthwith.

On motion of the same Senator, the Governor’s amendment was adopted, in concurrence.

Sent to the House for re-enactment.

Recess.

There being no objection, at a quarter before twelve o’clock noon, the Chair (Mr. Brownsberger) declared a recess, subject to the call of the Chair; and, at twenty-seven minutes past twelve o’clock noon, the Senate reassembled, Ms. Chang-Diaz in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

PAPER FROM THE HOUSE

An engrossed Bill extending a certain property tax exemption for seniors in the town of Sudbury (see House, No. 3890, 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 re-enacted and signed by the Acting President (Ms. Chang-Diaz) and again 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., in a full formal session.

Adjourn In Memory of Dr. Arthur S. Obermayer

The Senator from Middlesex and Norfolk, Ms. Creem, moved that when the Senate adjourns today, it adjourn in memory of Newton resident Dr. Arthur S. Obermayer who died of cancer at the age of 84 on January 11, 2016.

A well-known and highly respected local entrepreneur and philanthropist, Dr. Obermayer dedicated much of his life to improving relationships between Jews and Germans and to helping Germans gain a better understanding of how best to cope with their past.

Dr. Obermayer moved to Massachusetts from Philadelphia in 1952 to attend graduate school at Massachusetts Institute of Technology. He later founded Moleculon Research Company, among other successful chemical and biotechnological businesses.

Arthur Obermayer was committed to professional public service, serving on numerous government boards including the governor’s Management Task Force, and National Science Foundation Advisory Panels. He was a delegate to White House conferences on small business and, with his wife, was inducted into the White House’s Small Business Innovation Research Hall of Fame.

Dr. Obermayer had roots in Creglingen, a small town in southern Germany. While tracing his own genealogy he developed strong ties and meaningful contacts with local individuals and historians, ultimately co-founding a museum of Jewish history there.

In 2000, he co-founded the Obermayer German-Jewish History Awards annually recognizing Non-Jewish Germans who have made outstanding voluntary contributions, often struggling against bureaucratic or societal impediments to document their town's Jewish past.

In 2007, Dr. Obermayer received Germany's highest honor, the Cross of the Order of Merit, for his work supporting activities in Germany to build bridges between the post war German population and Jewish communities worldwide as well as to encourage the preservation of the history and cultural contributions of the Jews of Germany.

A longtime activist in political, social justice, and Jewish genealogical causes, Dr. Obermayer was a co-founder of Meretz Usa, now partners for Progressive Israel. And, through their Obermayer Foundation, Dr. Obermayer and his wife supported activities both in the US and in the Middle East to encourage a peaceful resolution of the Arab-Israeli conflict.

Dr. Arthur Obermayer will be deeply missed by his wife, Judith, his three children, Hank, Joel, and Marjorie, his five grandchildren and many friends throughout the world.

Accordingly, as a mark of respect in memory of Dr. Arthur S. Obermayer, at twenty-nine minutes before one o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.