

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.

Wednesday, March 16, 2016.

Met at eight 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 recited the pledge of allegiance to the flag.

Communications.

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

Communication from the Department of Public Health submitting plans of corrections for the following facilities; MCI Shirley, Bridgewater State Hospital, Boston Pre-Release Center, Bristol County Jail and Dukes County Jail and House of Correction (received March 10, 2016); and

Communication from the Sheriff of Hampden County submitting its plan of correction for inspection of Western Massachusetts Regional Women's Correctional Center (received March 14, 2016)

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, 20 and 21 of Chapter 111 of the General Laws) relative to inspections of the Northeastern Correctional Center, Massachusetts Treatment Center and the Souza-Baranowski Correctional Center (received March 10, 2016); and

Report of the Division of Capital Asset Management and Maintenance (pursuant to Section 6(i) of Chapter 7C of the General Laws) submitting its FY2015 annual report: Supplier Diversity - Affirmative Marketing Program for Design and Construction (received March 15, 2016).

Petition.

Ms. O'Connor Ives presented a petition (accompanied by bill) (subject to Joint Rule 12) of Kathleen O'Connor Ives and James M. Kelcourse for legislation to establish a sick leave bank for Jodi Paris Anastos, an employee of the Operational Services Division,-- **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of Committees.

By Mr. Lewis, for the committee on Public Health, on Senate Nos. 1122 and 1123 and House No. 2058, a Bill relative to dentistry licensure examinations (Senate, No. 1123);

By the same Senator, for the same committee, on petition, a Bill relative to maternity patient rights (Senate, No. 1148); and

By the same Senator, for the same committee, on petition, a Bill relative to respiratory therapy (Senate, No. 1150);
Severally referred, under Joint Rule 1E, to the committee on Health Care Financing

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on petition, a Bill relative to sheriffs (Senate, No. 1286);

By the same Senator, for the same committee, on petition, a Bill relative to non-resident firearm license fees (Senate, No. 1287);

By the same Senator, for the same committee, on petition, a Bill relative to voluntary towing reform (Senate, No. 1289);

By the same Senator, for the same committee, on petition, a Bill relative to uniform disciplinary procedures for correctional officers (Senate, No. 1314);

By the same Senator, for the same committee, on petition, a Bill relative to the issuance of uniform firefighter identification cards (Senate, No. 1324); and

By the same Senator, for the same committee, on petition, a Bill relative to the University of Massachusetts police (Senate, No. 1325); and

By Mr. McGee, for the committee on Labor and Workforce Development, on petition (accompanied by bill Senate, No. 1826), a Bill establishing an autism spectrum disorder designation on drivers' licenses and identification cards and criminal justice training relative to autism spectrum disorders (Senate, No. 2178);

Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Brady, for the committee on Election Laws, on petition, a Bill providing for recall elections in the town of Erving (Senate, No. 1957) [Local approval received]; and

By Ms. L'Italien, for the committee on Municipalities and Regional Government, on petition, a Bill relative to the Gloucester Fisheries Commission (Senate, No. 2042) [Local approval received];

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

Committee Discharged.

Mr. Timilty, for the committee on Public Service, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1340) of Sal N. DiDomenico, Benjamin Swan and Timothy J. Toomey, Jr. for legislation relative to age restrictions for veterans applying to be police officers and firefighters,-- **and recommending that the same be referred to the committee on the Veterans and Federal Affairs;**

Under Senate Rule 36, the report was considered forthwith and accepted.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Bills

Establishing a sick leave bank for Robert Fothergill, an employee of the Massachusetts Trial Court (House, No. 4006,-- on petition); and

Establishing a sick leave bank for Eyma Sutton, an employee of the Department of Children and Families (House, No. 4036, amended,-- on petition);

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

Relative to the appointment of special police officers in the town of Bridgewater (House, No. 3686,-- on petition) [Local approval received]; and

Authorizing the town of Saugus to collect donations to the Saugus Veterans Relief Fund on certain municipal tax bills (House, No. 4031,-- on petition) [Local approval received];

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

Reports

Of the committee on the Judiciary, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2434) of James Arciero and Rady Mom relative to the excise tax on alternative nicotine products and vapor products and further prohibiting the use of said products by minors,-- **and recommending that the same be referred to the committee on Public Health;**

Of the committee on Public Health, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1910) of Nick Collins for legislation to authorize pharmacists to administer injectable drugs and biological products in retail settings; and

Of the petition (accompanied by bill, House, No. 2009) of Elizabeth A. Malia, Angelo M. Scaccia and Ruth B. Balser relative to providing access to patient protection services for all residents;

And recommending that the same severally be referred to the committee on Health Care Financing.

Of the committee on Transportation, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3052) of Harold P. Naughton, Jr., for legislation to expand the “move over law”, so-called, to include vehicles operated by civilians,-- and recommending that the same be referred to the committee on Public Safety and Homeland Security. **Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

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. Spilka) “congratulating Shawn Cronin of the town of Franklin on his elevation to the rank of Eagle Scout”;
Resolutions (filed by Mr. Ross and Ms. Spilka) “congratulating Brandon McKearney of the town of Franklin on his elevation to the rank of Eagle Scout”;
Resolutions (filed by Mr. Ross and Ms. Spilka) “congratulating Ben Waters of the town of Franklin on his elevation to the rank of Eagle Scout”;
Resolutions (filed by Ms. Spilka) “congratulating Liam Busconi of the town of Hopkinton on his elevation to the rank of Eagle Scout”; and
Resolutions (filed by Ms. Spilka) “congratulating Trevor Perkins of the town of Hopkinton on his elevation to the rank of Eagle Scout.”

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Helen Annese, an employee of the Trial Court (see House, No. 3958), 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 3 to 0.**
The bill was signed by the Acting President (Mr. Brownsberger) and sent to the House for enactment.

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 House Bill relative to town meetings in the town of Framingham (House, No. 3195),-- **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Bolton to grant a license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3761, amended),-- **was read a third time and passed to be engrossed, in concurrence.**

Orders Adopted.

Mr. Timilty in the Chair, Mr. Brownsberger presented an Order relative to granting the committee on the Judiciary be granted until May 2, 2016, within which time to make its final report on current Senate documents numbered 1115, 1116, 1120, 1126, 1128, 1131, 1132, 1140, 1143, 1156, 1157, 1159, 1160, 1161, 1162, 1163, 1178, and 1198 (Senate, No. 2177),-- **and the same was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently.**

Subsequently, Mr. Montigny, for said committees reported that the order ought to be adopted.

There being no objection, the rules were suspended, on motion of Mr. Brownsberger, and the order was considered forthwith, and after remarks, was adopted.

Sent to the House for concurrence.

Mr. Brownsberger in the Chair, Mr. Lewis presented an Order relative to granting the committee on Public Health be granted until May 16, 2016, within which time to make its final report on current Senate document numbered 1165 (Senate, No. 2179),-- **and the same was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently.**

Subsequently, Mr. Montigny, for said committees reported that the order ought to be adopted.

There being no objection, the rules were suspended, on motion of Mr. Lewis, and the order was considered forthwith, and after remarks, was adopted.

Sent to the House for concurrence.

Mr. Lewis presented an Order relative to granting the committee on Public Health be granted until May 16, 2016, within which time to make its final report on current Senate document numbered 1141 (Senate, No. 2180),-- **and the same was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently.**

Subsequently, Mr. Montigny, for said committees reported that the order ought to be adopted.

There being no objection, the rules were suspended, on motion of Mr. Lewis, and the order was considered forthwith,

**and after remarks, was adopted.
Sent to the House for concurrence.**

PAPERS FROM THE HOUSE.

Mr. Lewis in the Chair, the following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered as follows:

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on the Judiciary be granted until Monday, May 2, 2016, within which time to make its final report on current House documents numbered 5, 9, 1148, 1152, 1155, 1160, 1183, 1184, 1186, 1188, 1198, 1202, 1211, 1213, 1216, 1217, 1220, 1222, 1223, 1226, 1227, 1228, 1235, 1242, 1246, 1248, 1253, 1254, 1255, 1269, 1270, 1273, 1274, 1275, 1276, 1278, 1279, 1285, 1286, 1287, 1289, 1291, 1296, 1297, 1299, 1301, 1305, 1311, 1313, 1315, 1318, 1320, 1331, 1332, 1335, 1336, 1337, 1344, 1352, 1355, 1357, 1359, 1370, 1380, 1381, 1382, 1387, 1402, 1405, 1424, 1427, 1428, 1429, 1431, 1433, 1436, 1442, 1443, 1444, 1447, 1448, 1449, 1456, 1460, 1463, 1470, 1472, 1475, 1477, 1478, 1485, 1486, 1487, 1492, 1497, 1505, 1507, 1511, 1513, 1514, 1530, 1531, 1532, 1549, 1554, 1564, 1567, 1568, 1569, 1572, 1574, 1575, 1577, 1584, 1593, 1594, 1596, 1603, 1611, 1619, 1622, 1623, 1628, 1631, 1636, 1637, 1638, 1642, 1644, 1649, 1653, 1654, 1655, 1656, 1659, 1663, 1664, 1672, 1673, 2145, 3252, 3254, 3435, 3436, 3438, 3443, 3444, 3451, 3453, 3454, 3476, 3607, 3643, 3830, 3897, 3993, and 4018.

The rules were suspended, on motion of Mr. Brownsberger, and the order (House, No. 4078) was considered forthwith; and, after remarks, was adopted, in concurrence.

Mr. Brownsberger in the Chair, the following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered as follows:

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Public Health be granted until Thursday, June 30, 2016, within which time to make its final report on current House documents numbered 177, 1884, 1889, 1894, 1895, 1896, 1902, 1904, 1905, 1907, 1912, 1917, 1921, 1926, 1944, 1961, 1962, 1965, 1970, 1971, 1973, 1976, 1977, 1979, 1983, 1986, 1988, 1991, 1995, 1999, 2003, 2006, 2012, 2013, 2022, 2029, 2031, 2032, 2033, 2035, 2041, 2042, 2045, 2067, 2068, 2070, 2072, 2073, 2079, 3271, 3465, 3468, 3471, and 3472.

The rules were suspended, on motion of Mr. Lewis, and the order (House, No. 4081) was considered forthwith; and, after remarks, was adopted, in concurrence.

Recess.

The being no objection, at eleven minutes before twelve o'clock noon, the Chair (Mr. Brownsberger) declared a recess subject to the call of the Chair; and , at thirteen minutes before four o'clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair.

Order Adopted.

Ms. L'Italien presented an Order relative to granting the committee on Consumer Protection and Professional Licensure be granted until June 15, 2016, within which time to make its final report on current Senate documents numbered 142, 151, and 187, and House documents numbered 29, 172, 184, 237, and 245 (Senate, No. 2185),-- **and the same was was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently.**

Subsequently, Mr. Montigny, for said committees reported that the order ought to be adopted.

There being no objection, the rules were suspended, on motion of Ms. Chandler, and the ordered was considered forthwith, and after remarks, was adopted.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

The following House Orders (approved by the committees on Rules of the two branches, acting concurrently) were considered as follows:

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Environment, Natural Resources and Agriculture be granted until Monday, April 4, 2016, within which time to make its final report on current House documents numbered 623 and 627.

The rules were suspended, on motion of Ms. Chandler, and the order (House, No. 4076) was considered forthwith; and, after remarks, was adopted, in concurrence.

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Municipalities and Regional Government be granted until Friday, April 15, 2016, within which time to make its final report on current House document numbered 3906.

The rules were suspended, on motion of Ms. Chandler, and the order (House, No. 4077) was considered forthwith; and, after remarks, was adopted, in concurrence.

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Monday, May 2, 2016, within which time to make its final report on current Senate documents numbered 1807, 1809, 1817, and 1895, and House documents numbered 2974, 2977, 2985, 3009, 3073, 3102, and 3814.

The rules were suspended, on motion of Ms. Chandler, and the order (House, No. 4079) was considered forthwith; and, after remarks, was adopted, in concurrence.

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Veterans and Federal Affairs be granted until Friday, May 13, 2016, within which time to make its final report on current House documents numbered 3127, 3128, 3131, 3133, 3136, 3139, 3144, 3156, 3164, 3317, 3318, and 3547.

The rules were suspended, on motion of Ms. Chandler, and the order (House, No. 4080) was considered forthwith; and, after remarks, was adopted, in concurrence.

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Elder Affairs be granted until Monday, April 25, 2016, within which time to make its final report on current Senate documents numbered 370, and House documents numbered 518, 535, and 3404.

The rules were suspended, on motion of Ms. Chandler, and the order (House, No. 4082, amended) was considered forthwith; and, after remarks, was adopted, in concurrence.

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Election Laws be granted until Friday, April 15, 2016, within which time to make its final report on current Senate document numbered 213.

The rules were suspended, on motion of Ms. Chandler, and the order (House, No. 4085) was considered forthwith; and, after remarks, was adopted, in concurrence.

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Education be granted until Friday, April 15, 2016, within which time to make its final report on current Senate documents numbered 253, 262, 266, 267, 268, and 336, and House documents numbered 326, 327, 336, 341, 422, 462, 489, 498, 3225, and 3402.

The rules were suspended, on motion of Ms. Chandler, and the order (House, No. 4086) was considered forthwith; and, after remarks, was adopted, in concurrence.

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Education be granted until Friday, June 3, 2016, within which time to make its final report on current Senate documents numbered 261, 288, 312, 314, and 2114, and House documents numbered 312, 318, 405, 406, 444, 463, 464, 3221, 3403, and 3804.

The rules were suspended, on motion of Ms. Chandler, and the order (House, No. 4087) was considered forthwith; and, after remarks, was adopted, in concurrence.

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Labor and Workforce Development be granted until Monday, May 16, 2016, within which time to make its final report on current Senate documents numbered 1003 and 1008, and House documents numbered 809, 1701, 1718, and 1775.

The rules were suspended, on motion of Ms. Chandler, and the order (House, No. 4089) was considered forthwith; and, after remarks, was adopted, in concurrence.

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Economic Development and Emerging Technologies be granted until Wednesday, June 1, 2016, within which time to make its final report on current House documents numbered 298, 3219, and 3983.

The rules were suspended, on motion of Ms. Chandler, and the order (House, No. 4090) was considered forthwith; and, after remarks, was adopted, in concurrence.

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Telecommunications, Utilities and Energy be granted until Friday, July 1, 2016, within which time to make its final report on current Senate documents numbered 1747, 1757, 1760, 1761, 1762, 1763, 1764, 1774, 1785, 1786, and 1965, and House documents numbered 644, 2851, 2861, 2881, 2888, 2889, and 2895.

The rules were suspended, on motion of Ms. Chandler, and the order (House, No. 4091) was considered forthwith; and, after remarks, was adopted, in concurrence.

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on State Administration and Regulatory Oversight be granted until Wednesday, June 22, 2016, within which time to make its final report on current House document numbered 3521.

The rules were suspended, on motion of Ms. Chandler, and, the order (House, No. 4092) was considered forthwith; and, was adopted, in concurrence.

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Financial Services be granted until Wednesday, May 18, 2016, within which time to make its final report on current Senate documents numbered 483, 485, 506, and 551, and House documents numbered 258, 793, 800, 810, 814, 843, 866, 879, 894, 920, 925, 926, 948, 958, and 3488.

The rules were suspended, on motion of Ms. Chandler, and the order (House, No. 4093) was considered forthwith; and, after remarks, was adopted, in concurrence.

Engrossed Bills.

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:

Establishing a sick leave bank for Diane Ranno, an employee of the Department of Conservation and Recreation (see House, No. 3744);

Establishing a sick leave bank for Helen Annese, an employee of the Trial Court (see House, No. 3958); and

Establishing a sick leave bank for Denise Martinez, an employee of the Massachusetts Commission for the Deaf and Hard of Hearing (see House, No. 4017, amended).

House Order Adopted.

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Public Safety and Homeland Security be granted until Friday, April 15, 2016, within which time to make its final report on current House document numbered 3747.

The rules were suspended, on motion of Mr. Donnelly, and, after remarks, the order (House, No. 4096) was considered forthwith; and, was adopted, in concurrence.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow 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 twenty-four minutes past four o'clock P.M., the Senate adjourned to meet again tomorrow at eleven o'clock A.M.