

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, May 2, 2016.

Met at seven 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.

Distinguished Guests.

There being no objection, the Chair (Mr. Brownsberger) handed the gavel to Mr. Lewis for the purpose of an introduction. Mr. Lewis then introduced, in the rear of the Chamber, a group of students from the Coolidge Middle School in Reading. The group was recognized for having won first place in the Massachusetts Middle School Science Olympiad State Competition. This is the 23rd year in a row Coolidge Middle School has earned this title. The Senate applauded their accomplishments and wished them luck at the upcoming competition.

Communications.

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

Communication from the Department of Public Health relative to plans of correction for the following correctional facilities:

MCI Shirley
MCI Framingham
Northeastern Correctional Center
Souza-Baranowski Correctional Center
Norfolk County House of Correction
Dedham Alternative Center (received April 25, 2016); and

Communication from the Office of the Comptroller (pursuant to Section 2 Chapter 46 of the Acts of 2015) submitting its third quarter report on BFY2016 "Settlements and Judgments" (received April 29, 2016).

Reports.

Reports of the Department of Public Health (pursuant to Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspection of the following correctional facilities:

Plymouth County Correctional Facility
South Middlesex Correctional Center
Dartmouth I.C.E. Facility
Dartmouth Women's Center
Bristol County Jail and House of Correction
Bristol County Modular Building
Bridgewater State Hospital (received April 25, 2016),-- were severally placed on file.

Petitions.

Petitions were severally presented and referred as follows:

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 2268) of Sal N. DiDomenico, Daniel J. Ryan and RoseLee Vincent (with approval of the mayor and city council) for legislation relative to the city of Chelsea's residential tax exemption [Local approval received];

**Under Senate Rule 20, to the committee on Revenue.
Sent to the House for concurrence.**

By Mr. Moore, a petition (accompanied by bill) (subject to Joint Rule 12) of Michael O. Moore and Paul K. Frost for legislation to establish a sick leave bank for Linda Orstrom, an employee of the Department of Mental Health;

Under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Mr. Keenan, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate Bill authorizing the Department of Capital Asset Management and Maintenance to lease certain land in the town of Hull to The Friends of the Paragon Carousel, Inc (Senate, No. 2219) ought to pass;

Referred, under Senate Rule 27, to the committee on Ways and Means.

By Ms. Lovely, for the committee on State Administration and Regulatory Oversight, on petition (accompanied by bill, Senate, No. 2182), a Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Concord (Senate, No. 2272);

Read and, under Senate Rule 26C, referred to the committee on Bonding, Capital Expenditures and State Assets.

By Ms. Flanagan, for the committee on Children, Families and Persons with Disabilities, on petition (accompanied by bill, Senate, No. 103), a Bill relative to the office of the child advocate (Senate, No. 2270);

By Mr. Eldridge, for the committee on Financial Services, on petition (accompanied by bill, Senate, No. 540), a Bill relative to risk management and own risk and solvency assessment (Senate, No. 2276);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 561), a Bill reforming labor rates paid by insurance companies to auto repairers in the Commonwealth (Senate, No. 2262);

By Mr. Wolf, for the committee on Labor and Workforce Development, on Senate, No. 123 and House, No. 1736), a Bill regulating the use of credit reports by employers (Senate, No. 2271);

By Mr. Downing, for the committee on Telecommunications, Utilities and Energy, on petition (accompanied by bill, Senate, No. 1759), a Bill relative to waste-to-energy facilities (Senate, No. 2274);

By the same Senator, for the same committee, on petition (accompanied by bill, House, No. 2854), a Bill relative to the Next Generation Network Initiative (Senate, No. 2275);

By Mr. McGee, for the committee on Transportation, on petition (accompanied by bill, Senate, No. 1820), a Bill relative to the licensure of motor vehicle inspection stations (Senate, No. 2264);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1821), a Bill providing for the enhanced protection of the dig safe law (Senate, No. 2265);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1824), a Bill promoting electric vehicle adoption (Senate, No. 2266);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1862), a Bill relative to school bus safety (Senate, No. 2267); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1817), a Bill to regulate the use of automatic license plate reader systems (Senate, No. 2273);

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

By Ms. L'Italien, for the committee on Municipalities and Regional Government, on petition (accompanied by bill, Senate, No. 1061), a Bill relative to the removal or transportation of trash (Senate, No. 2263);

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

PAPERS FROM THE HOUSE

Bills

Authorizing the city of Lawrence to establish a program for enforcement against illegal dumping (House, No. 3860,-- on House, No. 1258) [Local approval received on House, No. 1258]; and

Authorizing the town administrator of the town of Milton to appoint the police chief (House, No. 4014,-- on petition) [Local

approval received];

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

Resolutions.

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

Resolutions (filed by Mr. McGee, Ms. Lovely, Messrs. Timilty and Lesser, Ms. Jehlen, Messrs. Eldridge and Moore, Ms. Creem, Ms. Gobi, Ms. O'Connor Ives, Ms. L'Italien, Messrs. Montigny and Welch and Ms. Chandler) "commending the National Brain Tumor Society on its recognition of May 2016 as Brain Tumor Awareness Month";

Resolutions (filed by Mr. Ross) "congratulating Elodie Carel of the town of Wayland on receiving the Gold Award of the Girl Scouts of America";

Resolutions (filed by Mr. Ross) "congratulating Sophia Alexandra Gloria Estrada of the town of Wayland on receiving the Gold Award of the Girl Scouts of America";

Resolutions (filed by Mr. Ross) "congratulating Amanda Mae Judah of the town of Wayland on receiving the Gold Award of the Girl Scouts of America";

Resolutions (filed by Mr. Ross) "congratulating Megan Kistner of the town of Wayland on receiving the Gold Award of the Girl Scouts of America"; and

Resolutions (filed by Mr. Ross) "congratulating Alisha Ukani of the town of Wayland on receiving the Gold Award of the Girl Scouts of America."

Communication.

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

April 28, 2016

The Honorable William Welch,
Clerk of the Massachusetts Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

I was absent from the Chamber for the formal session on Thursday, February 4, 2016.

Had I been present I would have voted in the negative on the following roll calls:

- Question on the adoption of amendment #34 to S. 2120, Roll Call 237
- Question on the adoption of amendment #36 to S. 2120, Roll Call 238

and had I been present I would have voted in the affirmative on the following roll calls:

- Question on sustaining the ruling of the Chair, Roll Call 239
- Question on the adoption of amendment #55 to S. 2120, Roll Call 240
- Question on passing S. 2120 to be engrossed, Roll Call 241.

I ask that these votes be recorded and I respectfully request that a copy of this correspondence be printed in the journal during the next session. Thank you for your assistance on this matter.

Sincerely,
PATRICIA D. JEHLLEN
Senator
Second Middlesex.

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

Reports of Committees.

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 Michael J. Rodrigues for legislation to establish a sick leave bank for Jeffrey Cowell, an employee of the Department of Correction.

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.

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders the Day and considered as follows:

The Senate Bill revising the charter of the town of Swampscott (Senate, No. 2206),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.**

The House Bill relative to the use of legal counsel by the town of Southbridge (House, No. 3999),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to the Director of Public Works in the town of Southbridge (House, No. 4000),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to the removal of the Director of Public Works in the town of Southbridge (House, No. 4001),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to quasi-judicial boards in the town of Southbridge (House, No. 4002),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE

Engrossed Bills.

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

Further defining a quorum of a public body in the town of Milton (see Senate, No. 2001);
Increasing the membership of the board of selectmen of the town of Milton (see Senate, No. 2112); and
Relative to the date of town elections in the town of Southbridge (see House, No. 3998).

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

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on State Administration and Regulatory Oversight be granted until Friday, May 27, 2016, within which time to make its final report on current House documents numbered 4130, 4131, and 4151.

The rules were suspended, on motion of Mr. Tarr and after remarks, the order (House, No. 4239) was considered forthwith; and, was adopted, in concurrence.

Recess.

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

Communication.

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

April 29, 2016

The Honorable William Welch,
Clerk of the Massachusetts Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

I missed 6 roll call votes on April 28, 2016 during the Senate formal session. If I were present, I would have voted in the following manner:

- On the question of passing Senate Bill 2235 to be engrossed (Roll Call #283), I would have voted in the affirmative.
- On the question of passing House Bill 3244 to be engrossed (Roll Call #284) I would have voted in the affirmative.
- On the question of passing House, No. 3792 to be engrossed (Roll Call #285), I would have voted in the affirmative.
- On the question of passing Amendment 2 to Senate Bill 2234 (Roll Call #286), I would have voted in the negative.
- On the question of passing Amendment 11 to Senate Bill 2234 (Roll Call #287), I would have voted in the negative.
- On the question of passing Senate Bill 2234 to be engrossed (Roll Call #288), I would have voted in the affirmative

I wish that these votes be recorded and a copy of this letter be entered in the journal of the Senate.

Sincerely,
ERIC P. LESSER
First Hampden & Hampshire District.

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

PAPERS FROM THE HOUSE

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:

Relative to the use of legal counsel by the town of Southbridge (see House, No. 3999);
Relative to the Director of Public Works in the town of Southbridge (see House, No. 4000);
Relative to the removal of the Director of Public Works in the town of Southbridge (see House, No. 4001); and
Relative to quasi-judicial boards in the town of Southbridge (see House, No. 4002).

House Order – Adopted.

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

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on the Judiciary be granted until Wednesday, June 1, 2016, within which time to make its final report on current House documents numbered 1148, 1211, 1216, 1220, 1248, 1254, 1269, 1270, 1278, 1287, 1297, 1299, 1305, 1313, 1332, 1352, 1357, 1382, 1433, 1463, 1486, 1513, 1549, 1567, 1568, 1569, 1572, 1622, 1628, 1636, 1653, 1654, 1655, 1656, 1663, 1664, 2145, 3252, 3436, 3897, 3993 and 4098.

The rules were suspended, on motion of Mr. Lewis and after remarks, the order (House, No. 4252) 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 on Thursday next at eleven o'clock A.M., in a full formal session with a calendar.

On motion of Mr. Lewis, at seven minutes past four o'clock P.M., the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.