

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, May 5, 2016.

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

The Senator from Essex and Middlesex, Mr. Tarr, led the President, members, guests and staff in the recitation to 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 Ms. Chandler for the purpose of an introduction. Ms. Chandler then introduced, in the rear of the Chamber, 44 members of the Class of 2016 at Mass Academy of Math and Science in Worcester, a public school of excellence for 100 academically accelerated 11th and 12th grade students from over 44 school districts. These students work tremendously hard during their junior year in a rigorous math and science program and spend their senior year enrolled in classes at Worcester Polytechnic Institute. On top of their academic achievements, these students are accomplished athletes, musicians, artists, dancers and filmmakers and have contributed over 5,500 hours of community service over the past two years. The Senate welcomed them with applause and they withdrew from the Chamber. The students were accompanied by Mass Academy Director Michael Barney, College Counselor Lisa Post, STEM Teacher Maria Borowski, WPI Assistant Vice President of Government and Community Relations Linda Looft and former Senator Gerard D'Amico. They were also guests of Senators Moore, Fattman and Gobi.

Communication.

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

Communication from the Office of the Boston City Clerk filing a copy of a resolution passed by the Boston City Council at its meeting on April 6, 2016 regarding "An Act to reduce sexual exploitation of victims of human trafficking" (received April 15, 2016) (a copy having been forwarded to the members of the Senate); and

Communication from the Department of Public Health (pursuant to Section 35X of Chapter 10 of the General Laws) submitting its report entitled "Annual Report for Quality in Health Professions Trust Fund" (received April 25, 2016),-- **was placed on file.**

Reports.

Report of the committee on Post Audit and Oversight (pursuant to Section 63 of Chapter 3 of the General Laws, as most recently amended by Chapter 557 of the Acts of 1986) submitting a report entitled: Behind Closed Doors: Rate-Setting for Homeowners Insurance in Massachusetts (Senate, No. 2251) (received Thursday, April 28, 2016),— **was placed on file.**

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

Report of the Department of Public Health (pursuant to Section 24A(k) of Chapter 94C of the General Laws) submitting its report on the Prescription Monitoring Program (received April 25, 2016);

Report of the Executive Office of Public Safety and Security (pursuant to Section 18¾ of Chapter 6A of the General Laws)

submitting its biennial report on firearm-related activity in Massachusetts for 2014-2015 (received May 4, 2016); and Report of the Elder Economic Security Commission (pursuant to Section 187 of Chapter 38 of the Acts of 2013) submitting a report of recommendations examining older adults' current levels of economic security, existing programming and related funding needed to increase economic security (received May 4, 2016).

Petition.

Mr. Downing presented a petition (accompanied by bill, Senate, No. 2281) of Benjamin B. Downing (by vote of the town) for legislation to authorize the Town of Windsor to continue the employment of Police Chief Thomas Barnaby [Local approval received];

Under Senate Rule 20, to the committee on Public Service.

Sent to the House for concurrence.

Reports of Committees.

By Mr. Brownsberger, for the committee on the Judiciary, on petition, a Bill relative to medical placement of terminal and incapacitated inmates (Senate, No. 843) [Representatives Day of Stoneham and Garry of Dracut dissenting]; and
By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1116), a Bill relative to female genital mutilation of minors (Senate, No. 2279) [Representative Garry of Dracut dissenting];
Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Welch, for the committee on Health Care Financing, that the Senate bills
Establishing the licensure of interpreters and oral transliterators for the deaf (Senate, No. 205) [Estimated cost: greater than \$100,000];
Enhancing sexual assault evidence kit collection (Senate, No. 1134) [Estimated cost: greater than \$100,000];
Relative to emergency first responder notification (Senate, No. 1326) [Estimated cost: greater than \$100,000];
Relative to retirement systems and pensions for correctional officers (Senate, No. 1444) [Estimated cost: greater than \$100,000];
Authorizing the board of directors of Metacomet Emergency Communications Center to accept chapter 32B of the General Laws (Senate, No. 1928) [Estimated cost: greater than \$100,000];
Establishing a board of registration in naturopathy (Senate, No. 2148) (also based on House, No. 1992) [Estimated cost: greater than \$100,000]; and
To prevent death and disability from stroke (Senate, No. 2213) (also based on House, No. 4113) [Estimated cost: greater than \$100,000];

Severally ought to pass;

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

By the same Senator, for the same committee, that the Senate Bill creating an advance directives registry (Senate, No. 1221, ought to pass, with an amendment in section 5, in line 57, by striking out "2016" and inserting in place thereof "2017"; and in Section 6, in line 58, by striking out "2018" and inserting in place thereof "2019") [Estimated cost: greater than \$100,000];
Read and, under Senate Rule 27, referred to the committee on Ways and Means, with the amendment pending.

By Mr. Welch, for the committee on Health Care Financing, that the Senate bills
Ensuring healthcare coverage for youth who have aged-out of the Department of Children and Families (Senate, No. 102) (also based on House, No. 91) [Estimated cost: less than \$100,000];
Relative to respiratory therapy (Senate, No. 1150) [Estimated cost: less than \$100,000];
Relative to chronic care coordination (Senate, No. 1162) [Estimated cost: less than \$100,000];
Requiring automated external defibrillators in schools (Senate, No. 1191) [Estimated cost: less than \$100,000];
Relative to the Massachusetts Alzheimer's Project (Senate, No. 1196) (also based on House, No. 3384) [Estimated cost: less than \$100,000];
Regulating central service technicians (Senate, No. 2070) [Estimated cost: less than \$100,000]; and
Relative to cleanliness in restaurants and bars (Senate, No. 2187) [Estimated cost: less than \$100,000];

Severally ought to pass;

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

By Mr. Welch, for the committee on Health Care Financing, on Senate, No. 567 and House, No. 997, a Bill to establish criteria for Masshealth hardship waivers (Senate, No. 567);
By the same Senator, for the same committee, on petition, a Bill relative to pediatric nursing care facilities (Senate, No. 571);
By the same Senator, for the same committee, on Senate, No. 619 and House, Nos. 519 and 985, a Bill relative to transfer of assets by MassHealth members (Senate, No. 619);

By Mr. Brownsberger, for the committee on the Judiciary, on petition, a Bill relative to governmental and charitable tort liability (Senate, No. 730) [Representatives Day of Stoneham and Garry of Dracut dissenting]; and
By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 731), a Bill protecting the rights of

probationers (Senate, No. 2278) [Representatives Day of Stoneham and Garry of Dracut dissenting];
Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Welch, for the committee on Health Care Financing, on Senate, No. 570 and House, No. 1036, a Bill relative to continuity of care for families enrolled in MassHealth (Senate, No. 570) [Estimated cost: less than \$100,000]; and
By the same Senator, for the same committee, on petition, a Bill to address the lack of sex-specific data in Massachusetts (Senate, No. 634) [Estimated cost: less than \$100,000];
Severally read and, under Senate Rule 26, referred to the committee on Rules.

Committees Discharged.

Mr. Montigny, for the committee on Rules, to whom was referred the Senate Order relative to authorizing the joint committee on the Judiciary to make an investigation and study of certain current Senate documents relative to judicial matters (Senate, No. 2204), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate No. 885) of Michael O. Moore for legislation relative to indictments and proceedings before trial,-- **and recommending that the same be recommitted to the committee on the Judiciary.**
Under Senate Rule 36, the report was considered forthwith and accepted.

PAPERS FROM THE HOUSE

Report of the Division of Banks (under Section 6A of Chapter 171 of the General Laws) submitting proposed amendments to 209 CMR 50.00: Parity with Federal Credit Unions (Parity Regulations) implementing regulations under said law (accompanied by bill, House, No. 4256); and

Report of the Division of Banks (under Section 14 of Chapter 167 of the General Laws) submitting proposed amendments to 209 CMR 46.00: Community Reinvestment (accompanied by bill, House, No. 4257);
Were severally referred, in concurrence, to the committee on Financial Services.

Bills

Establishing a sick leave bank for Laurie Godwin, an employee of the Department of Youth Services (House, No. 4189,-- on petition); and

Making appropriations for the fiscal year 2017 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 (House, No. 4201,-- on House, No. 2, in part);

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

A Bill relative to election ballots (House, No. 3160, amended,-- on petition);-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

A Bill authorizing the town of Westborough to grant an additional liquor license (House, No. 3896,-- on petition) [Local approval received],-- **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. Pacheco) "congratulating Jeffrey Alan Botelho, Jr. of the town of Dighton on his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Pacheco) "congratulating Robert Munroe of the town of Dighton on his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Rosenberg) "congratulating the Trustees of Reservations on the occasion of its one hundredth twenty-fifth anniversary";

Resolutions (filed by Mr. Ross) "congratulating Joseph Alexander Straube of the town of Wayland on his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Rush) "congratulating Michael Giovanni of the town of Norwood on his elevation to the rank of Eagle Scout"; and

Resolutions (filed by Mr. Rush) "congratulating Eliezer Shai-Leber Labell of the town of Norwood on his elevation to the rank of Eagle Scout."

Petition.

On motion of Ms. Chandler, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Eldridge (accompanied by bill) of James B. Eldridge for legislation relative to enhancing transparency in campaign finance,— **and the**

same was referred to the committee on Election Laws.
Sent to the House for concurrence.

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 Sal N. DiDomenico for legislation to establish a sick leave bank for Edward Connors, an employee of the Department of Transitional Assistance.

The rules were suspended, at the request of Mr. DiDomenico, 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.

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 Sal N. DiDomenico and Tackey Chan for legislation to ensure the safety of residents, first responders, and gas workers.

The rules were suspended, at the request of Mr. DiDomenico, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Telecommunications, Utilities and Energy.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4265) of Michelle M. DuBois, Carmine L. Gentile and others for legislation to protect victims of rape and children conceived during the commission of said offense;

Under suspension of Joint Rule 12, to the committee on the Judiciary.

Petition (accompanied by bill, House, No. 4266) of Kimberly N. Ferguson and Anne M. Gobi for legislation to establish a sick leave bank for Patricia Barry, an employee of the Department of Public Health; and

Petition (accompanied by bill, House, No. 4267) of RoseLee Vincent and Robert A. DeLeo for legislation to establish a sick leave bank for Rick Freni, an employee of the Massachusetts Department of Transportation;

Severally, under suspension of Joint Rule 12, to the committee on Public Service.

Petition (accompanied by bill, House, No. 4268) of Russell E. Holmes relative to changing the name of the American Legion highway to the American Legion parkway;

Under suspension of Joint Rule 12, to the committee on Transportation.

The Senate Bill amending the town manager act of Arlington authorizing the town manager to appoint the director of assessments (Senate, No. 1934),-- **came from the House passed to be engrossed, in concurrence with an amendment in section 2, in line 9, inserting after the word "personnel" the words ", except for the board of assessors,".**

The rules were suspended, on motion of Mr. Brownsberger, and the House amendment was considered forthwith and adopted, in concurrence.

Reports of Committees.

Mr. Montigny, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill validating the actions taken at a certain town meeting held in the town of Rochester (printed in House, No. 3918)

There being no objection, the rules were suspended, on motion of Ms. Lovely, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

By Mr. Brownsberger, for the committee on the Judiciary, on petition, a Bill relative to transgender anti-discrimination (Senate, No. 735) (Representatives Garry of Dracut, Day of Stoneham and Lyons of Andover dissenting).

The bill was read.

Order Adopted.

Mr. Brownsberger offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill relative to transgender anti-discrimination (Senate, No. 735) shall be placed in the Orders of the Day for a second reading on Thursday, May 12, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, May 9, 2016. All such amendments shall be second-reading amendments to Senate, No. 735, 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. Brownsberger, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, May 12, for a second reading.

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Donna Juarez, an employee of the Department of Development Services (see House, No. 4055, amended), 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 4 to 0.**

The bill was signed by the President and sent to the House for enactment.

Report of a Committee.

Mr. Montigny, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill to provide volunteer firefighters with a local option real estate tax exemption (Senate, No. 1537).

Order Adopted.

Mr. Rodrigues offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill to provide volunteer firefighters with a local option real estate tax exemption (Senate, No. 1537) shall be placed in the Orders of the Day for a second reading on Thursday, May 12, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, May 9, 2016. All such amendments shall be second-reading amendments to Senate, No. 1537, 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. Keenan, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, May 12, for a second reading.

Report of a Committee.

Mr. Montigny, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill relative to tax abatements for deaf residents (Senate, No. 1959) (the committee on Rules having recommended that the bill be amended by substituting a new draft with the same title, Senate, No. 2282).

Order Adopted.

Mr. Rodrigues offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill relative to tax abatements for deaf residents (Senate, No. 1959) (the committee on Rules having recommended that the bill be amended by substituting a new draft with the same title (Senate, No. 2282) shall be placed in the Orders of the Day for a second reading on Thursday, May 12, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, May 9, 2016. All such amendments shall be second-reading amendments to the Rules new draft (Senate, No. 2282), 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 Ms. Flanagan, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, May 12, for a second reading, with the amendment pending.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to nondiscrimination regional advisory boards (Senate, No. 989),-- **ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2283).**

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 nondiscrimination regional advisory boards (Senate, No. 989) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2283) shall be placed in the Orders of the Day for a second reading on Thursday, May 12, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, May 9, 2016. All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2283), 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 Ms. Spilka, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, May 12, for a second reading, with the amendment pending.

Matters Taken Out of the Notice Section of the Calendar.

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

The House Bill authorizing the town of Sharon to abate certain real property taxes (House, No. 3595),-- **was read a third time and passed to be engrossed.**

The House Bill providing for recall elections in the town of Shirley (House, No. 3784),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Eldridge moved that the bill be amended in section 4, by striking out, in line 34, the figure "90" and inserting in place thereof the following figure:- "100".

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.

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Relative to signing of warrants for payment in the town of Tyngsborough (House, No. 3641, amended); and

Authorizing the town of Falmouth to convey certain land to the West Falmouth Library, Inc. (House, No. 3976, amended);

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

At twenty-three minutes past eleven o'clock A.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 twenty-seven minutes past eleven o'clock A.M., a quorum was declared present.

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.

The following engrossed bills (the first 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 President and laid before the Governor for his approbation, to wit:

Designating Courtroom G within the first district court of Essex County in the city of Salem as the David T. Doyle Courtroom (see Senate, No. 866); and

Establishing a sick leave bank for Donna Juarez, an employee of the Department of Development Services (see House, No. 4055, amended).

Orders of the Day.

The Orders of the Day were further considered as follows:

The Senate Bill to keep siblings together (Senate, No. 104),-- **was read a second time.**

After remarks, and pending the question on adoption of the amendment, previously recommended by the committee on Ways and Means substituting a new draft with the same title (Senate, No. 2257), and pending the main question on ordering the bill to a third reading, Ms. Spilka moved that the proposed new draft be amended by striking out section 1 and inserting in place thereof the following section:-

“SECTION 1. Subsection (c) of section 23 of chapter 119 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following 2 paragraphs:-

The department shall seek to identify any minor sibling or half-sibling of the child. The department and the court shall ensure that siblings removed from their home and placed in the department's care, custody or responsibility are placed in the same foster care, kinship guardianship or adoptive placement with all siblings and half-siblings. If the department is unable to place the siblings and half-siblings in the same foster care, kinship guardianship or adoptive placement, the department shall report to the court within 7 business days and provide the reasons in writing for the lack of joint placement. If the department places siblings or half-siblings in separate placements, the department shall make ongoing efforts to remedy any concerns found by the department that led to the separate placements and shall report to the court on those efforts. The department shall document its efforts in the case plan.

If the department removes a child from their home and does not place the child with their sibling or half-sibling, the department shall provide for frequent visitation or other ongoing interaction between the siblings, unless the department makes a showing to the court by a preponderance of evidence that frequent visitation or other ongoing interaction is contrary to the safety or well-being of any of the siblings or half-siblings. The court shall make written findings, within 30 days, regarding its decision to deny the frequent visitation or other ongoing interaction. A child who is placed apart from a sibling or half-sibling, even if placed with other siblings or half-siblings, may ask the court to review the department's decision of a separate placement.”;

In section 2, by striking out, in line 39, the words “vacate the order” and inserting in place thereof the following words:- “reinstate parental rights”; and

In said section 2, in the proposed second paragraph of proposed subsection (e), by inserting after the first sentence the following sentence:- “Upon filing of the motion, the court shall appoint a guardian ad litem who shall investigate and make recommendations to the judge regarding the petition.”

The amendment was **adopted.**

The Ways and Means amendment, as amended, was then adopted.

The bill (Senate, No. 2257, amended) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

There being no objection, the following matter was considered out of order.

The House Bill relative to non-conforming structures (House, No. 3611),-- **was read a second time.**

After remarks, and pending the question on adoption of the amendment, previously recommended by the committee on Ways and Means (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2259), and pending the main question on ordering the bill to a third reading, at four minutes before twelve o'clock noon, at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at twenty-one minutes past one o'clock P.M., the Senate reassembled, the President in the Chair.

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

Matter Taken Out of the 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 authorizing the city of Easthampton to grant eight additional licenses for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2055),-- was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Humason moved that the bill be amended by substituting a new draft entitled "An Act authorizing the city of Easthampton to grant 8 additional licenses for the sale of all alcoholic beverages to be drunk on the premises" (Senate, No. 2284).

The amendment was **adopted**.

The bill (Senate, No. 2284) was then passed to be engrossed.

Sent to the House for concurrence.

At twenty-eight minutes past one 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 a half past one o'clock P.M., a quorum was declared present.

Orders of the Day.

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

There being no objection, the pending matter, House, No. 3611, was temporarily laid aside; and, there being no objection, the following matter was considered:

The Senate Bill to promote agriculture in the Commonwealth (Senate, No. 2171),-- **was read a second time.**

After remarks, and pending the question on adoption of the amendment, previously recommended by the committee on Ways and Means substituting a new draft with the same title (Senate, No. 2258), and pending the main question on ordering the bill to a third reading, Mr. Moore moved that the proposed new draft be amended by inserting, after section __, the following 4 sections:

"SECTION __. Section 14 of chapter 61A of the General Laws, as so appearing, is hereby amended in lines 67, 87, 131 and 148 by striking out the number '120' and inserting in place thereof the following number:- 180.

SECTION __. Said section is hereby further amended by striking out, in line 144, the figure '90' and inserting in place thereof the following figure:- 120.

SECTION __. The twenty-third paragraph of said section is hereby amended by adding the following sentence:- The city or town shall not be required to exercise the option to purchase any property not classified under this chapter.

SECTION __. The twelfth paragraph of said section is hereby amended by adding the following sentence:- The landowner shall respond no later than 30 days after having received the purchase and sale contract."

The amendment was *rejected*.

Ms. Creem moved that the proposed new draft be amended by inserting after section 17 the following 2 sections:-

"SECTION 17A. Section 1 of chapter 128, as appearing in the 2014 Official Edition, is hereby amended by inserting after the definition of 'Nursery stock' the following 2 definitions:-

'Recyclable paper bag', a paper bag that is 100 per cent recyclable and has the word "Recyclable" in a clearly visible manner on the outside of the bag.

'Reusable Bag', a bag with handles that is specifically designed and manufactured to be used multiple times and is made of cloth, industrial vinyl or other machine washable fabric suitable to be used at least 125 times.

SECTION 17B. Said section 1 of said chapter 128, as so appearing, is hereby further amended by inserting after the definition of 'Riding school operator' the following definition:-

'Single-use plastic carryout bag', a non-reusable bag made of plastic that is provided to a customer by a store at the point of sale.";

By inserting after section 18 the following section:-

"SECTION 18A. Said chapter 128 is hereby further amended by inserting after section 1A the following section:-

Section 1B. A vendor at a farmers' market shall not provide a single-use plastic carryout bag to a customer at the point of sale; provided, however, that a plastic bag without handles that is used to protect items from damage or from damaging or contaminating other purchased items or to contain an unwrapped food item may be distributed to a customer by a vendor at the point of sale.

Recyclable paper bags may be provided without cost to customers upon request and reusable bags may be offered for sale or provided without cost to customers, subject to regulations by the department."; and

By adding the following section:-

"SECTION 33. Sections 17A, 17B and 18A shall take effect on May 1, 2017."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at a quarter before two o'clock P.M., on motion of Mr. Humason, as follows, to wit (*yeas 24 – nays 12*) [**Yeas and Nays No. 289**]:

YEAS.

Brownsberger, William N.

Keenan, John F.

Chandler, Harriette L.

Lesser, Eric P.

Chang-Diaz, Sonia

Lewis, Jason M.

Creem, Cynthia Stone

L'Italien, Barbara A.

DiDomenico, Sal N.

Lovely, Joan B.

Donnelly, Kenneth J.

McGee, Thomas M.

Downing, Benjamin B.

Montigny, Mark C.

Eldridge, James B.

Pacheco, Marc R.

Forry, Linda Dorcena

Rush, Michael F.

Gobi, Anne M.

Spilka, Karen E.

Jehlen, Patricia D.

Welch, James T.

Joyce, Brian A.

Wolf, Daniel A. – **24.**

NAYS.

Brady, Michael D.

Moore, Michael O.

deMacedo, Viriato M.

O'Connor Ives, Kathleen

Donoghue, Eileen M.

Rodrigues, Michael J.

Fattman, Ryan C.

Ross, Richard J.

Flanagan, Jennifer L.

Tarr, Bruce E.

Humason, Donald F., Jr.

Timilty, James E. – **12.**

ABSENT OR NOT VOTING.

Barrett, Michael J. – **1.**

The yeas and nays having been completed at twelve minutes before two o'clock P.M., the amendment was **adopted.**

Ms. Creem moved that the proposed new draft be amended by inserting after section 18 the following section:-

“SECTION 18A. Section 2 of said chapter 128, as so appearing, is hereby amended by adding the following subsection:-

(l) Promulgate regulations on product signage at farmers markets to identify the producer or source of each product including if the product was grown, raised or made exclusively by the vendor and if the product it was grown, raised or made exclusively in the commonwealth. The commissioner may develop enforcement mechanisms to ensure compliance with this subsection.”. After remarks, the amendment was **adopted**.

Mr. Timilty moved that the proposed new draft be amended by adding at the end thereof the following new section:-

“SECTION XXX. Chapter 128 of the General Laws is hereby amended by striking out section 2(g) and inserting in place thereof the following:-

(g) Promote, develop and encourage through the Massachusetts Thoroughbred Breeding Program, the breeding of thoroughbred horses in the commonwealth by offering cash prizes to breeders of such horses in the following manner: the Massachusetts Thoroughbred Breeders Association, Inc. shall from time to time in consultation with the chairman of the racing commission and the program manager for the equine division in the department of agriculture set the percentages for bonuses to be awarded to the breeder of a Massachusetts bred thoroughbred horse, of the purse monies won by said thoroughbred horse in any pari-mutuel running horse race if said horse finishes first, second or third; the percentage for a cash prize to the owner of the stallion, at the time of service to the dam of such purse winner; provided, however, that (i) the stallion stood the breeding season of February through June in the commonwealth, (ii) the horse finishes first, second or third, and (iii) said stallion is registered with the department of food and agriculture; the percentage for a cash prize for the purse monies won by said thoroughbred horse in any unrestricted or restricted pari-mutuel running horse race held within or outside of the commonwealth to the owner of a Massachusetts bred horse if said horse finishes first, second, or third.

The Massachusetts Thoroughbred Breeders Association, Inc. is further authorized to pay cash purses for stakes races to be limited to Massachusetts bred thoroughbred race horses, registered with the Jockey Club and the Massachusetts Thoroughbred Breeders Association, Inc. from the Massachusetts thoroughbred breeding program at licensed pari-mutuel race meetings authorized by the state racing commission. Such races may be betting or non-betting races and may or may not be scheduled races by the licensee conducting the racing meeting. Purse monies paid by the association under this section may be in such amounts as the association shall determine and may be the sole cash purse for such races or may be supplemental to the cash purses established by the licensee; provided, however, that no person, partnership, corporation or group of persons may receive more than five thousand dollars as a cash prize breeder's award from the association for an individual horse race within the commonwealth.

To be eligible for the prizes provided, a person must be a paid-up member of the Massachusetts Thoroughbred Breeders Association, Inc. or must agree to a one-time annual processing fee.

No person, partnership, corporation, or group of persons shall be eligible for the prizes provided herein unless the following standards are met:

(1) The thoroughbred foal, properly registered with the Jockey Club and the Massachusetts Thoroughbred Breeders Association, Inc. shall be the foal of a Thoroughbred mare that dropped said foal in the Commonwealth and was bred back to a Massachusetts stallion registered with the Massachusetts Thoroughbred Breeders Association, Inc.. Or:

(2) The Thoroughbred foal, properly registered with the Jockey Club, and the Massachusetts Thoroughbred Breeders Association, Inc. shall be the foal of a resident Thoroughbred mare that resided continuously in the Commonwealth from the fifteenth day of October of the year of conception. If an in-foal mare is purchased at public auction prior to December 15 (must be a completed public sale, not an RNA or a private transaction after the public sale), she must be domiciled in the Commonwealth within 14 days of the date of purchase and continue such residence through foaling.

(3) In either case the mare is required to stay in the Commonwealth for a continuous stay of not less than 60 days before or after foaling.

(4) Resident in-foal mares require that domicile reports be filed with the Massachusetts Thoroughbred Breeders Association, Inc. by certified mail by October 15 (or 14 days after date of purchase for mares purchased at public auction prior to December 15). All changes in domicile and/or ownership must be reported to the Massachusetts Thoroughbred Breeders Association, Inc. by certified mail within 14 days of the event.

Prior to the first day of August of each year, each person standing a Thoroughbred stallion in the Commonwealth at either public or private service shall file with the Massachusetts Thoroughbred Breeders Association, Inc. (a) a list of all Thoroughbred mares bred to such stallion in that year; and (b) a verified statement representing that said stallion stood the entire breeding season in the Commonwealth.

All stallions and in-foal mares registered with the Massachusetts Thoroughbred Breeders Association, Inc. are subject to on-site inspection at any time to ensure domicile status.

The Massachusetts Thoroughbred Breeders Association, Inc. is authorized to expend up to 12 percent funds for said program for advertising, marketing, promotion, and administration of the Thoroughbred breeding program in the Commonwealth, which may include incentive payments to owners of qualified broodmares and stallions residing in the state of Massachusetts.

The state auditor shall annually audit the books of the Massachusetts Thoroughbred Breeders Association, Inc. to insure compliance with this section.”

The amendment was *rejected*.

Mr. deMacedo moved that the proposed new draft be amended in section 28, by striking out, in line 543, the words “July 1” and inserting in place thereof the following words:- “December 31”.

After remarks, the amendment was **adopted**.

Mr. Eldridge moved that the proposed new draft be amended by inserting after section 29 the following section:-

“SECTION 29A. There shall be an advisory committee to study methods to encourage development of domestic farms as well as the production and use of locally grown ingredients for wine, beer and spirits. The committee shall consist of 1 representative of the Massachusetts Brewers Guild, Inc.; 1 representative of the alcoholic beverages control commission; the commissioner of agricultural resources or a designee, who shall serve as chair of the advisory committee; the house and senate chairs of the joint committee on environment, natural resources and agriculture or their designees; the house and senate chairs of the joint committee on consumer protection and professional licensure or their designees; the minority leader of the senate or a designee; the minority leader of the house of representatives or a designee; a representative of the Massachusetts Farm Bureau Federation, Incorporated; a representative of the Federation of Massachusetts Farmers Markets; and 4 persons to be appointed by the governor, 2 of whom shall be representatives of licensed farmer-breweries, 1 of whom shall be a representative of a licensed farmer-winery and 1 of whom shall be a representative of a licensed farmer-distillery. The advisory committee shall make recommendations to the general court including, but not be limited to, standard requirements or goals for farmer-wineries, farmer-breweries and farmer-distilleries related to the growth of locally grown ingredients and the amount of barrel production. The advisory committee shall conduct a comprehensive review and evaluation of the production of ingredients and the ingredients used by existing farmer-wineries, farmer-breweries and farmer-distilleries. The advisory committee shall submit its findings and recommendations to the clerks of the senate and the house of representatives, the alcoholic beverages control commission and the executive office of energy and environmental affairs by not later than March 1, 2017.”

After remarks, the amendment was **adopted**.

Mr. Downing moved that the proposed new draft be amended by adding the following sections:

“SECTION XXXX. Section 1 of chapter 94 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the definition of ‘rolls’ the following definitions:-

‘shared animal ownership agreement’, includes a cow share or goat share that is an undivided interest in a cow, goat, or dairy herd, created through a written contractual relationship between a shareholder and farmer that includes a legal bill of sale to the shareholder for an interest in a cow, goat, or dairy herd, and under which the shareholder agrees to pay or reimburse a farmer, or otherwise accept financial responsibility for the care and boarding of a cow, goat, or dairy herd, and under which the shareholder is entitled to receive a raw milk share from the cow, goat, or dairy herd.

‘shareholder,’ refers to an individual who owns an undivided interest in a cow, goat, or dairy herd created through a shared animal ownership agreement.

SECTION XXXY. Section 13 of said chapter 94, as so appearing, is hereby amended by inserting, in line 17, after the word ‘precluded’, the following words:- ; and provided further, the provisions of this chapter shall be inapplicable to a shareholder, or any individual participating in a shared animal ownership agreement, who is using any product derived from such animal for personal consumption.

(Section 33 related to distribution of raw milk by existing licensed raw milk farmers, which is a separate issue.)

SECTION XXXZ. Said chapter 94 is hereby further amended by inserting after section 13E the following section:-

Section 13F. (a) Any farmer may participate in a shared animal ownership agreement if said farmer has no more than twelve lactating cows, goats, or cows and goats, and enters a shared animal ownership agreement through a written contractual relationship, provided that the contract shall include:

- (1) the name and address of the farm, owner of the farm and name of the farmer;
- (2) the name and address of the shareholder;
- (3) a prominent warning statement that the raw milk is not pasteurized nor subject to inspection by the department of public health nor the department of agricultural resources and that the raw milk is subject to limited safety testing by the department of agricultural resources.
- (b) A farmer participating in a shared animal ownership agreement shall keep a record of when a shareholder receives a raw milk share and the farmer shall maintain such record for no less than 60 days. A farmer participating in a shared animal ownership agreement shall only distribute raw milk off of their farm.
- (c) Any shareholder of a cow share or goat share within a cow, goat, or dairy herd may receive raw milk on behalf of another shareholder within the same cow, goat, or dairy herd.
- (d) No shareholder who receives raw milk through a shared animal ownership agreement under this section shall sell or redistribute the raw milk to any person who does not own a raw milk share within the same cow, goat, or dairy herd.
- (e) The department of agricultural resources may issue rules and regulations pursuant to the testing of raw milk distributed through a shared animal ownership agreement, provided that the testing is done not more than once every two months, and provided that the testing requirements are not overly burdensome to the farmer or cost-prohibitive.”

The amendment was *rejected*.

Messrs. Tarr and Humason moved that the proposed new draft be amended by inserting after section 16 the following new section:-

"SECTION .: Section 5 of chapter 65C of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out subsection (c) and inserting in place thereof the following 2 subsections:-

(c) If the gross estate of a decedent includes real property devoted to use as a farm for farming purposes, the estate may elect to either value such property in accordance with section 2032A of the Code, in effect on January 1, 1985 or, if the gross estate of a decedent includes real property devoted to use for closely held agricultural land, the value of such land shall be valued pursuant

to the valuation set by the farmland valuation advisory commission established pursuant to section 11 of chapter 61A for the fiscal year of the most recent growing season. If a federal return is required to be filed the election under this subsection shall be consistent with the election made for federal estate tax purposes. All the substantive and procedural provisions of said section 2032A shall, insofar as pertinent and consistent, apply to the election made under this subsection. The commissioner shall promulgate regulations to carry out the provisions of this subsection and subsection (d).

(d) To qualify for valuation of closely held agricultural land pursuant to subsection (c) the land shall meet the definition set forth in chapters 61, 61A or 61B and section 1A of chapter 128; provided, however that the land need not be classified by the municipal assessors pursuant to said chapters 61, 61A and 61B.

Whenever the closely held agricultural land is valued and taxed as set forth in this section no longer meets the definition of section 2 of chapter 61, sections 1 or 2 of chapter 61A or section 1 of chapter 61B and section 1A of chapter 128, the land shall be subject to additional taxes, called rollback taxes, in the current tax year in which it is disqualified and in those years of the 9 immediately preceding tax years in which the land was so valued."

Mr. Rodrigues rose to a point of order which, being stated, was that the amendment before the Senate was unconstitutional for the reason that the pending amendment would change the current bill into a "money bill".

The President ruled that it under Article 7 of the Constitution, it states that all "money bills" must originate in the House of Representatives and further that it would be unconstitutional for the Senate to entertain any amendments that would convert the pending bill into a "money bill". Therefore, the point of order was well taken, and the amendment was **laid aside**.

Mr. Tarr doubted the ruling of the Chair; and this motion was seconded by Mr. Humason.

After debate, the question on "Shall the ruling of the Chair stand?" was determined by a call of the yeas and nays at seven minutes past two o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 31 – nays 5*) [**Yeas and Nays No. 290**]:

YEAS.

Brady, Michael D.	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.
DiDomenico, Sal N.	Montigny, Mark C.
Donnelly, Kenneth J.	Moore, Michael O.
Donoghue, Eileen M.	O'Connor Ives, Kathleen
Downing, Benjamin B.	Pacheco, Marc R.
Eldridge, James B.	Rodrigues, Michael J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.

Joyce, Brian A.

Wolf, Daniel A. – 31.

Keenan, John F.

NAYS.

deMacedo, Viriato M.

Ross, Richard J.

Fattman, Ryan C.

Tarr, Bruce E. – 5.

Humason, Donald F., Jr.

ABSENT OR NOT VOTING.

Barrett, Michael J. – 1.

The yeas and nays having been completed at ten minutes past two o'clock P.M., the ruling of the Chair stood, and the amendment was laid aside.

Mr. Keenan moved that the proposed new draft be amended by adding the following section:-

“SECTION X. Section 6C of chapter 20 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by adding in line 50 after the word ‘assistance;’ the following words:- ‘1 of whom shall represent an organization or entity engaged in hydroponic farming or in research related thereto; 1 of whom shall represent an organization or entity engaged in aquaponic farming or in research related thereto;’.”

After remarks, the amendment was **adopted**.

Mr. Keenan moved that the proposed new draft be amended by inserting after section 29 the following section:-

“SECTION 29A. The department of agricultural resources, in collaboration with The Center for Agriculture, Food and the Environment at the University of Massachusetts at Amherst, shall conduct a cost-benefit analysis on the effects of adding hydroponic and aquaponic farming methods to the definition of ‘farming’ or ‘agriculture’ under section 1A of chapter 128 of the General Laws. The department shall submit a final report that includes the results of its cost-benefit analysis and the department’s recommendations, if any, to the clerks of the senate and house of representatives and the joint committee on environment, natural resources and agriculture by not later than December 31, 2016.”

The amendment was **adopted**.

Mr. Tarr moved that the proposed new draft be amended by inserting after section 17 the following section:-

“SECTION 17A. Section 31 of chapter 111 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:-

In a city or town with a municipal agricultural commission, as defined in section 8L of chapter 40, the board of health in that city or town shall, during the publication period, solicit and consider comments submitted by the municipal agricultural commission on regulations that have an impact on farming or agriculture as defined in section 1A of chapter 128.”

After remarks, the amendment was **adopted**.

Mr. Tarr moved that the proposed new draft be amended by inserting after section 6 the following section:-

“SECTION 6A. Section 15 of said chapter 40, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 4, the words ‘or right, or part thereof’ and inserting in place thereof the following words:- ‘right or restriction, as defined in section 31 of chapter 184, or part of any such land, easement, right or restriction, held by a governmental body’.”

After remarks, the amendment was **adopted**.

Mr. Tarr moved that the proposed new draft be amended by inserting at the end thereof:-

“SECTION .: The refundable income tax credit established shall be permanent.”

The amendment was *rejected*.

Subsequently, Mr. Tarr moved that the proposed new draft be amended by inserting after section 29 the following section:-

“SECTION 29A. (a) There shall be a special commission established pursuant to section 2A of chapter 4 to investigate and study methods and solutions to protect and promote pollinators’ health. The commission shall consist of: 1 member of the senate; 1

member of the house of representatives; 1 member of the senate appointed by the minority leader of the senate; 1 member of the house of representatives appointed by the minority leader of the house of representatives; the secretary of energy and environmental affairs or a designee, who shall serve as chair; 6 people to be appointed by the governor, 1 of whom shall be a University of Massachusetts faculty member specializing in the science of pollinator health, 1 of whom shall represent an advocacy group for farmers, 1 of whom shall represent an advocacy group for organic farmers, 1 of whom shall represent an advocacy group for cranberry producers, 1 of whom shall be a commercial beekeeper, 1 of whom shall be a representative of the University of Massachusetts Extension with knowledge in crops which rely on pollinators and pollinator health; and 6 people to be appointed by the attorney general, 1 of whom is certified as a master gardener representing the public, 1 of whom shall represent an advocacy group dedicated to the protection of pollinators and invertebrates, 2 of whom shall be beekeepers representing the county beekeeping associations, 1 of whom shall represent an advocacy group for nurseries and 1 of whom shall represent an advocacy group dedicated to environmental protection.

(b) The special commission shall examine issues relevant to pollinator health, including: (i) studying current regulations in the commonwealth and other states and countries related to pollinators and pollinator health; (ii) studying public education and outreach plans regarding pollinator health that have been successful in other states; (iii) evaluating the current apiary inspection program with specific focus on parasitic diseases; (iv) identifying adequacy of funding for efforts to promote or protect pollinator health; (v) investigating other methods to increase and strengthen pollinator vitality including proposed changes in law or regulation; (vi) investigating the means used by other states to gather data on populations of pollinators; (vii) evaluating existing best management practices for promoting pollinator health including, but not limited to, foraging and proper food source diversity; (viii) evaluating proposed pollinator protection plans; and (ix) studying the use of nonagricultural lands and how they may be used to provide pollinator forage and unique opportunities to increase pollinator populations.

(c) The special commission may take actions necessary and proper to carry out the work of the commission including, but not limited to, scheduling hearings and taking testimony on matters related to pollinator health.

(d) The special commission shall defer to the pesticide board on matters regarding the regulation, review and use of pesticides, such as neonicotinoids, including but not limited to an individual review of this class as provided in chapter 132B.

(e) No later than June 30, 2017, the special commission shall submit a report to the clerks of the senate and house of representatives and to the joint committee on environment, natural resources and agriculture detailing the results of its investigation and study and provide recommendations, together with drafts of legislation.

After remarks, the amendment was **adopted**.

Ms. Spilka moved that the proposed new draft be amended in section 18, by striking out the definition of “Farmers’ market” and inserting in place thereof the following definition:-

“‘Farmers’ market’, a building, structure, location or market that is used by 2 or more farmers for the direct sale of food crops and other farm related or locally hand crafted items to the public that operates or occurs more than once per year for the primary purpose of promoting goods produced in the commonwealth; provided, however, that the origin of all products is clearly identified.”

The amendment was **adopted**.

The Ways and Means amendment, as amended, was then adopted.

The bill (Senate, No. 2258, amended) was then ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at six minutes past three o’clock P.M., on motion of Ms. Gobi, as follows, to wit (*yeas 36 – nays 1*) [**Yeas and Nays No. 291**]:

YEAS.

Brady, Michael D.

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
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Rosenberg, Stanley C.
Flanagan, Jennifer L.	Ross, Richard J.
Forry, Linda Dorcena	Rush, Michael F.
Gobi, Anne M.	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.

Barrett, Michael J. – **1.**

**The yeas and nays having been completed at nine minutes past three o'clock P.M., the bill was passed to be engrossed [For bill, printed as amended, see Senate, No. 2286].
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.

The following engrossed bills (both 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 President and laid before the Governor for his approbation, to wit:

Amending the town manager act of Arlington authorizing the town manager to appoint the director of assessments (see Senate, No. 1934, amended); and
Revising the charter of the town of Swampscott (see Senate, No. 2206).

An engrossed Bill validating the actions taken at a certain town meeting held in the town of Rochester (see House Bill, printed in House, No. 3918) (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 President and laid before the Governor for his approbation.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill relative to non-conforming structures (House, No. 3611),-- **was again considered.**

Pending the question on adoption of the amendment, previously recommended by the committee on Ways and Means striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2259 and pending the main question on ordering the bill to a third reading, Mr. Keenan moved that the proposed new text be amended by inserting the following new section:-

“Section __. The provisions of the third paragraph of section seven of chapter forty A of the General Laws, inserted by this act, shall also be applicable regardless of whether the structure was erected prior to or after the effective date of this act.”; and by inserting in line 26 after the word “erection” the following words:- “or alteration”; and by inserting in line 27 after the word “structures” the following words:- “or alterations”.

After remarks, the amendment was **adopted.**

Mr. Keenan moved that the proposed new text be amended by inserting the following paragraphs:-

“Section __. Notwithstanding the provisions of this act, for any structure erected or altered not more than 10 and not less than 9 years prior to the effective date of this act, no criminal or civil action intended to compel the removal, alteration, or relocation of a structure by reason of an alleged violation of this chapter or of an ordinance or by-law adopted under this chapter or the conditions of a variance or special permit shall be maintained unless the action, suit or proceeding is commenced and notice of the action, suit or proceeding is recorded in the registry of deeds for each county or district in which the land lies or, in the case of registered land, the notice is filed in the registry district in which the land lies within 10 years and 6 months of the erection or alteration of the structure.”

The amendment was **adopted.**

Ms. Spilka moves to amend the proposed new text by inserting, in line 4, after the word “by-law”, the following word:- “or ordinance”;

By inserting, in line 5, after the word “by-laws”, the following word:- “or ordinances”;

By striking out, in lines 15 and 16, the words “within 6 years of the commencement of the alleged violation”;

By inserting after the word “lies,” in line 18 the following words:- within 6 years of the commencement of the alleged violation;

By striking out, in line 22, the words “within 10 years of the commencement of the alleged violation”; and

By inserting, after the word “lies,” in line 25 the following words:- “within 10 years of the commencement of the alleged violation”.

The amendment was **adopted.**

The Ways and Means amendment was then adopted, as amended.

The bill (House, No. 3611) was then ordered to a third reading, read a third time and passed to be engrossed [For new text, printed as amended, see Senate, No. 2285].

Sent to the House for concurrence.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again 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 Edward James Dullea, Jr.

Adjourn In Memory of Edward James Dullea, Jr.

The Senator from Essex, Ms. Lovely, moved that when the Senate adjourns today, it adjourn in memory of Edward James Dullea, Jr. of Peabody.

Edward James Dullea, Jr., beloved husband of the late Marie (Splaine) Dullea, and a devoted father, grandfather and great-grandfather, passed away peacefully on April 8, 2016 surrounded by his family.

Ed was born to the late Edward James, Sr., and Elizabeth (Walsh) Dullea on October 13, 1931, in Peabody. A lifelong Peabody resident, Ed graduated from Peabody High School before serving in the United States Air Force, from 1951 to 1954, during the Korean War. He was honorably discharged from his post at Ethan Allen Air Force Base in Vermont.

Following his departure from the Air Force, Ed set off on a lifelong series of adventures. He married the love of his life, Marie, and together they raised seven children. He earned a B.S. in Finance from Boston University. He owned several businesses and rental properties, and later in life was a sheet metal fabricator for General Electric.

Among his greatest interests were local and state politics. He served the city of Peabody as an elected official for 10 years: eight as a member of the school committee, and two as a councilor-at-large. In his later years, he established himself as a mentor for city and state politicians and was a delegate at many of the Commonwealth's Democratic Conventions. Local democratic candidates would frequent Ed's house for meetings to discuss campaign strategy. He was named Democrat of the Year by Peabody's Democratic City Committee, and Irishman of the Year by the City of Peabody.

Ed loved to sing and loved to follow the stock market. Perhaps more than anything, he loved to eat, particularly Treadwell's ice cream. Above all else for Ed, however, was his family. He was at his happiest when seated at the head of the table at holidays or in his easy chair surrounded by his large Irish family.

In addition to his late wife, Ed is survived by his seven children: Kathleen Walsh and her husband Thomas of Beverly; Edward J. Dullea, III, and his wife Gayle of Peabody; Eileen Annese and her husband Carl Jr., of Peabody; Michael Dullea and his wife Barbara of Peabody; Anne Marie Burns and her husband Scott of Peabody; Maureen McCarthy and her husband Stephen of Beverly; and Suzanne Tibbetts and her husband Jeffrey of Danvers. Fourteen grandchildren: Conor, Edward, Carl, Cori, Matthew, Thomas, Timothy, Kylie, Jeffrey, Adam, Jason, Abigail, Amanda Rosenhauer and her husband Jack, and Sgt. Christopher Dullea, USMC; and one great-grandson, Kai. Ed is also survived by a sister, M. Shirley Cornell, of Beverly. Accordingly, as a mark of respect in memory of Edward James Dullea, Jr., at ten minutes past three o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.