

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 9, 2016.

Met at thirteen minutes past eleven o'clock A.M. (Mr. DiDomenico in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Mr. DiDomenico), members, guests and staff then recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, the Chair (Mr. DiDomenico) handed the gavel to Mr. McGee for the purpose of an introduction. Mr. McGee then introduced, in the rear of the Chamber, Millie Bowes, wife of the late Robert David Bowes, Sr. She was accompanied by her daughter, Claudia Bowes, son, Gary Zerola, granddaughter Arianna and lifelong best friend and high school classmate, Richard Marrs and his wife, Diane. The family was visiting the Senate Chamber in recognition of celebrating Robert Bowe's life and the great work he achieved in helping countless children and young adults.

Communication.

Communication from the Office of the Comptroller (pursuant to Chapter 46 of the Acts of 2015, Section 2E) submitting a revised Fiscal Year 2016 transfer schedule for the Executive Office for Health and Human Services (received May 5, 2016),-- **was placed on file.**

Report.

Report of the Dukes County Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003 and section 2KKK of Chapter 29 of the General Laws) submitting two plans for expenditures from the County Registers Technological Fund (copies will be forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight),-- **was placed on file.**

PAPERS FROM THE HOUSE

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4262) of Aaron Vega (with the approval of the mayor and city council) that the city of Holyoke be authorized to establish a program for enforcement against illegal dumping;

To the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4263) of Stephen Kulik and Stanley C. Rosenberg (by vote of the town) that the town of Deerfield be authorized to exempt police officers Gary Sibilia and David Gendron from the mandatory retirement age in said town;

To the committee on Public Service.

Petition (accompanied by bill, House, No. 4264) of Danielle W. Gregoire and others (by vote of the town) that the town of Westborough be authorized to establish an additional excise on sales of gasoline and diesel fuel;

To the committee on Revenue.

A Bill protecting the rights of custodial and other non-teaching employees for school districts (House, No. 2319,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

A Bill authorizing the town of Wayland to increase the annual spending limit for its recreation department revolving fund (House, No. 3940, amended,-- on petition),-- **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) "commending the Raynham Lions Club, Inc. on the occasion of its seventieth anniversary"; and

Resolutions (filed by Mr. Tarr, Ms. Gobi, Ms. L'Italien, Messrs. Eldridge, Moore, Lesser and DiDomenico, Ms. Lovely, Ms. Chandler and Mr. Rodrigues) "commending the United States Coast Guard, the United States Coast Guard Auxiliary, the National Safe Boating Council and the Massachusetts Environmental Police for recognizing National Safe Boating Week."

Communication.

The Clerk read the following communication:

>THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

William Welch,
Clerk of the Senate
State House
Boston, MA 02133

May 6, 2016

Dear Mr. Clerk:

On Thursday, May 5, 2016, I was unable to attend the formal Senate session. Had I been present, I would have voted in the affirmative on the following questions:

- Roll call #289, on adoption of amendment #2 to S. 2258;
- Roll call #290, on sustaining the ruling of the chair that amendment #10 to S. 2258 is unconstitutional; and
- Roll call #291, on passing S. 2258 to be engrossed.

I respectfully request that a copy of this correspondence be printed in the journal for the next session. Thank you in advance for your assistance in this matter.

Sincerely,
MICHAEL J. BARRETT
THIRD 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 Jason M. Lewis for legislation to establish the Center of Excellence in Community Policing and Behavioral Health.

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 Mental Health and Substance Abuse.

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Marc R. Pacheco and Susan Williams Gifford for legislation relative to retirement benefits for Thomas Brian Donnelly.

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 authorizing the town of Middleborough to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises (Senate, No. 2091),-- **was read a third time and passed to be engrossed.
Sent to the House for concurrence.**

The House Bill authorizing the city of Northampton to grant additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4042),-- **was read a third time and passed to be engrossed, in 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 State Administration and Regulatory Oversight be granted until Friday, June 10, 2016, within which time to make its final report on current Senate document numbered 2169.

The rules were suspended, on motion of Mr. McGee, and the order (House, No. 4259) 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 Friday, May 20, 2016, within which time to make its final report on current House document numbered 3889. The rules were suspended, on motion of Mr. McGee, and the order (House, No. 4260) was considered forthwith; and, after remarks, was adopted, in concurrence.

A petition (accompanied by bill, House, No. 4273) of David K. Muradian, Jr., Timothy R. Whelan and others for legislation to regulate certain synthetic hallucinogenic substances,-- **was referred in concurrence, under suspension of Joint Rule 12, to the committee on the Judiciary.**

Engrossed Bill.

An engrossed Bill authorizing the town of Sharon to abate certain real property taxes (see House, No. 3595) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Mr. DiDomenico) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o'clock A.M., in a full formal session with a calendar.

Moment of Silence.

At the request of the Chair (Mr. McGee), the members, guests and staff stood in a moment of silence and reflection to the memory of Robert David Bowes, Sr.

Adjourn In Memory of Robert David Bowes, Sr.

The Senator from Essex, Mr. McGee, moves that when the Senate adjourns today, it adjourn in memory of Robert David Bowes, Sr. of Lynn.

Mr. McGee in the Chair, Attorney Robert David Bowes, Sr., an attorney in the office of senate counsel, a beloved husband, father, grandfather, stepfather, foster father and godfather, the consummate family man, passed away on Thursday, February 25, 2016 at the age of 87.

Robert Bowes was born in Charlestown, Massachusetts on March 14, 1928 and grew up in Worcester before moving to Salem, where he attended Salem High School. Bob enlisted in the United States Navy during World War II as a fire control technician and received the World War II victory medal and the American Area Campaign Medal before being honorably discharged at the rank of Seaman First Class.

Mr. Bowes began his college studies at New England College in Henniker, New Hampshire before transferring in 1952 to Suffolk University where he studied journalism. Bob served as a dedicated journalist for several local area publications while attending the evening program at Suffolk University Law School, graduating magna cum laude in 1963. He was admitted to the Massachusetts Bar in 1964 and practiced law, both privately and as a government attorney, until his passing.

Attorney Bowes loved performing in the courtroom but he also had an overpowering, fervent belief that service to the community was an imperative. He loved the city of Salem and his country and, motivated by John F. Kennedy, he ventured into politics. Bob handed out yard signs around Salem for then presidential candidate John F. Kennedy. He also waged an unsuccessful run himself for Salem ward councilor but that journey led to a lifelong friendship with the Honorable Kevin Harrington of Salem for whom he would manage several successful campaigns for city and state offices. When Kevin Harrington was named senate majority leader in the Massachusetts senate, Mr. Bowes served as his Chief of Staff. When Kevin Harrington was elected President of the Senate, Mr. Bowes was named Counsel to the Senate President, a position he held until his appointment as assistant senate counsel in March of 1978. Attorney Bowes served as Assistant Senate Counsel for nearly 40 years.

Robert Bowes' success in law was eclipsed by his success as a parent. He and his wife, Millie, with whom he shared 30 years of marriage, opened up their hearts and their homes to children and families in need. He prided himself on his foster parenting skills and spent his lifetime taking in, caring for and raising many foster children, not only through various agencies such as the Department of Children and Families, Casey Family Services and the Plummer Home, but also by word-of-mouth when a situation presented itself. He led all of his children by example. He was tough but he was a strong and compassionate, god-fearing gentleman. He left no child behind, long before that phrase was coined, and his passing left a legion of loving and loyal family members, friends and colleagues who were privileged to have been a part of his long and distinguished life.

Mr. Bowes is survived by his dedicated and loving wife and co-parent, Mildred Feleice Hollingsworth-Bowes of Lynn, his sister Eleanor Morency of Vermont, his children, Robert David Bowes, Jr. And his wife Frances of Sanford, North Carolina, Marilyn Bowes of Danvers; Judith Saidah and her husband Nicholas of Medford, Claudia Bowes and her life partner Frank Smith of Pelham, NH, Donna Marie Zerola, S. L. Hollingsworth, Chris Ann Hollingsworth and Andrew Thomas Davies, all of Lynn; and Attorney Gary Zerola of Boston, his 13 grandchildren: Robert David Bowes, Iii, Jessica Amaya, John Jacob Bowes, Deanna, albert and Jonathan Saidah, Amanda and Michael Northrup, Raymond, Robert and Christyne Kennedy, David Cecil Hollingsworth, Hannah and Abigail Zerola, Arianna Rivera and Anthony Morales, 7 great grandchildren and many nieces and nephews. Bob was previously married to the late Florence (Morgan) Bowes, formerly of Salem. He was predeceased by his siblings, Attorney Thomas Bowes Sr., Patricia Raynes and Linda Aucone..

Mr. DiDomenico in the Chair, accordingly, as a mark of respect in memory of Robert David Bowes, Sr., at twenty-seven minutes past eleven o'clock A.M., on motion of Mr. McGee, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.