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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, June 2, 2016.

Met at six minutes past eleven o'clock A.M. (Mr. Boncore 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. Boncore), members, guests and staff then recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, the Chair (Mr. Boncore) handed the gavel to Mr. McGee for the purpose of an introduction. Mr. McGee then introduced, in the rear of the Chamber, the 2015-2016 St. Mary's Lynn High School Basketball Team. The team was recognized for winning the Division 4 State Championship title by defeating Maynard by a final score of 61-52. This is the school's fourth boys' basketball state championship. The Senate applauded their accomplishments and they withdrew from the Chamber. The team was led by Coach David Brown. They were also guests of Senator Lovely and Representatives Walsh and Crighton.

There being no objection, the Chair (Mr. Boncore) handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced, in the rear of the Chamber, Rowley Police Chief Robert Barker. Chief Barker was recognized for his 35 years of public service and congratulated on his retirement. The Senate welcomed him with applause and he withdrew from the Chamber. He was accompanied by his wife, Mary and close friends James and Bonny DiMarino.

Communication.

Communication from the Honorable Stanley C. Rosenberg, President of the Senate, announcing the appointment of Senator Joseph C. Boncore, pursuant to Executive Order 535, to the Public Market Commission,-- **was placed on file**

Reports.

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

Report of the Department of Public Health (under the provisions of Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspection of Pondville Correctional Center, Norfolk; Barnstable County Correctional Facility, Bourne; Dukes County Jail and House of Correction, Edgartown; and M.C.I. Plymouth, Carver (received June 1, 2016); and

Report of the Massachusetts Legal Assistance Corporation (under the provisions of Chapter 221A of the General Laws) submitting its annual reports for the fiscal years 2012 through 2015 (received June 1, 2016).

Petition.

Mr. Montigny presented a petition (accompanied by bill) (subject to Joint Rule 12) of Mark C. Montigny for legislation to stop human trafficking and enhance the lives of survivors;
Referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Mr. Welch, for the committee on Health Care Financing, on Senate, Nos. 66 and 96, an Order relative to authorizing the joint committee on Health Care Financing to make an investigation and study of certain current Senate documents relative to the financing and delivery of health care to children (Senate, No. 2306); and

By the same Senator, for the same committee, on Senate, Nos. 1048 and 2279, an Order relative to authorizing the joint committee on Health Care Financing to make an investigation and study of certain current Senate documents relative to the financing and delivery of health care (Senate, No. 2307);

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Ms. L'Italien, for committee on Municipalities and Regional Government, on petition, a Bill relative to the temporary use of the Clapp School in the City of Woburn (Senate, No. 2249) [Local approval received];

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

By Mr. Wolf, for the committee on Labor and Workforce Development, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1004) of Michael J. Rodrigues, Bruce E. Tarr and Steven S. Howitt for legislation to clarify the earned sick time ballot question (Representatives McKenna of Webster and Orall of Lakeville dissenting);

Referred, under Senate Rule 36, to the committee on Rules.

Placed on File.

Mr. Timilty, for the committee on Public Service, on the Communication from the Public Employee Retirement Administration Commission (under the provisions of Section 50 of Chapter 7 of the General Laws) submitting proposed amendments to the rules and regulations governing retirement board elections (840 CMR 7.00) (Senate, No. 2078); and

By the same Senator, for the same committee, on the Communication from the Public Employee Retirement Administration Commission (under the provisions of Section 50 of Chapter 7 of the General Laws) submitting proposed amendments to the rules and regulations governing retirement of public employees (840 CMR 10.00) (Senate, No. 2079);

Reported that the same severally be placed on file.

Under Senate Rule 36, the reports were considered forthwith and were accepted.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4358) of Paul McMurtry and Michael F. Rush (by vote of the town) that the town of Westwood be authorized to grant a special license for the sale of all alcoholic beverages at an agricultural event;

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4359) of David T. Vieira, Randy Hunt and Viriato M. deMacedo (by vote of the town) relative to the disability retirement of Jared Macdonald, a police officer in the town of Bourne;

To the committee on Public Service.

Petition (accompanied by bill, House, No. 4360) of Cory Atkins and Michael J. Barrett (by vote of the town) that the town of Concord be authorized to establish a senior means-tested property tax exemption;

To the committee on Revenue.

Resolutions.

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

Resolutions (filed by Mr. Joyce) "congratulating Robert E. McCarthy, Jr. on his life-long commitment to public service";

Resolutions (filed by Mr. Pacheco) "congratulating Paul E. Butts of the town of Carver on his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Pacheco) "congratulating Tomas M. Campbell of the town of Carver on his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Pacheco) "congratulating Nicholas G. Sheehan of the town of Carver on his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Ross) "congratulating Katherine Rose Golden of the town of Millis on receiving the Gold Award of the Girl Scouts of America";

Resolutions (filed by Mr. Ross and Ms. Spilka) "congratulating Chad Connors of the town of Natick on his elevation to the rank of Eagle Scout"; and

Resolutions (filed by Mr. Ross and Ms. Spilka) "congratulating Andrew Pierce of the town of Natick on his elevation to the rank of Eagle Scout."

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Jodi Paris Anastos, an employee of the Operational Services Division (Senate, No. 2228),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2312)**

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2312) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Laurie Godwin, an employee of the Department of Youth Services (House, No. 4189),-- **ought to pass.**

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

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to recycling (Senate, No. 454),-- **ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2308).**

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 recycling (Senate, No. 454) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft (Senate, No. 2308)) shall be placed in the Orders of the Day for a second reading on Thursday, June 9, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, June 6, 2016. All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2308), 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. Tarr, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, June 9, 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 a moratorium on hydraulic fracturing (Senate, No. 457),-- **ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2309).**

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 a moratorium on hydraulic fracturing (Senate, No. 457) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2309) shall be placed in the Orders of the Day for a second reading on Thursday, June 9, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, June 6, 2016. All such amendments shall be second-reading amendments to the Ways and Means new draft (Senate, No. 2309), 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. Tarr, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, June 9, 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 public space recycling (Senate, No. 1653),- **- ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2310).**

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 public space recycling (Senate, No. 1653) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2310) shall be placed in the Orders of the Day for a second reading on Thursday, June 9, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, June 6, 2016. All such amendments shall be second-reading amendments to the Ways and Means new draft (Senate, No. 2310), 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. Tarr, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, June 9, 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 promoting the planning and development of sustainable communities (Senate, No. 2144),-- **ought to pass with an amendment substituting a new draft entitled "An Act promoting housing and sustainable development" (Senate, No. 2311) [Estimated cost: \$500,000].**

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 promoting the planning and development of sustainable communities (Senate, No. 2144) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2311) shall be placed in the Orders of the Day for a second reading on Thursday, June 9, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, June 6, 2016. All such amendments shall be second-reading amendments to the Ways and Means new draft (Senate, No. 2311), 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. Tarr, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, June 9, for a second reading, with the amendment pending.

Report of a Committee.

The following report was laid before the Senate, the time within which the said committee was required to report having expired:---

Of the committee on Transportation, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 1895) of James E. Timilty for legislation to further strengthen public safety by reducing unlicensed, uninsured driving by OUI offenders.

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

On further motion of the same Senator, the bill was substituted for the report of the committee.

The bill (Senate, No. 1895) was read and, under Senate Rule 27, referred to the committee on Ways and Means.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4366) of Paul R. Heroux and Richard J. Ross for legislation to establish a sick leave bank for Jennifer Gray, an employee of the Department of Developmental Services,-- **was referred in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Engrossed Bill.

An engrossed Bill authorizing the city of Easthampton to grant 8 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 2284) (which originated in the Senate), 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. Boncore) and laid before the Governor for his approbation.

Recess.

There being no objection, at twenty-nine minutes past eleven o'clock A.M., the Chair (Mr. Boncore) declared a recess subject to the call of the Chair; and, at seven minutes past twelve o'clock noon, the Senate reassembled, Mr. Boncore in the Chair.

PAPER FROM THE HOUSE

The House Bill 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, amended),— came from the House with the endorsement that the House had NON-concurred in the further Senate amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate, No. 2305 and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Dempsey of Haverhill, Kulik of Worthington and Smola of Warren have been appointed the committee on the part of the House.

On motion of Mr. Tarr, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Spilka, DiDomenico and deMacedo were appointed on the part of the Senate. The bill was returned to the House endorsed accordingly.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of the same Senator, at nine minutes past eleven o'clock A.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.