

NOTICE: While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Wednesday, July 8, 2015.

Met at six minutes past eleven o'clock A.M. (Mr. Petrucci in the Chair).

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

Communications.

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

Communication from the Massachusetts Office for Victim Assistance (pursuant to Section 47 of Chapter 260 of the Acts of 2014) submitting notification of extension of mandated reporting deadline for the Special Commission to Study Shelter and Housing Options for Domestic and Sexual Violence Victims (received July 6, 2015); and

Communication from the Office of the Comptroller (under the provisions of section 12 of Chapter 19 of the Acts of 2015) submitting a copy of an updated report on state personnel (ERIP) (received July 3, 2015).

Report.

Report of the Executive Office of the Trial Court (under the provisions of Section 3(i) of Chapter 258B of the General Laws) submitting its SSWA Task Force Implementation Progress Report (received July 6, 2015),-- **was placed on file.**

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3644) of Carolyn C. Dykema and James B. Eldridge (by vote of the town) that the town of Southborough be authorized to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises;

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3645) of David Paul Linsky, Richard J. Ross and Karen E. Spilka (by vote of the town) that the town of Natick be authorized to lease certain town-owned property; and

Petition (accompanied by bill, House, No. 3646) of David Paul Linsky, Richard J. Ross and Karen E. Spilka (by vote of the town) that the town of Natick be authorized to lease certain town-owned property;

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3649) of William Smitty Pignatelli and Benjamin B. Downing (by vote of the town) relative to the health insurance of certain elected officials in the town of Tyngham;

To the committee on Public Service.

Recess.

There being no objection, at seven minutes past eleven o'clock A.M., the Chair (Mr. Petruccelli) declared a recess subject to the call of the Chair; and, at four minutes before three o'clock P.M., the Senate reassembled, the President in the Chair.

Communication.

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

July 8, 2015

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

Dear Mr. Clerk,

Regretfully, I will not be able to join my Senate colleagues during today's formal session. Currently, I am representing the Massachusetts state Senate at the State Legislative Leaders Foundation's 2015 Emerging Leaders Program in Virginia. If the Senate conducts any roll call votes during today's formal session, I will be sure to indicate how I would have voted on the matters and submit it to you at a later date to be printed in the journal. Thank you.

Sincerely,
JOAN B. LOVELY.

On motion of Ms. Chandler, the above communication was ordered printed in the Journal of the Senate.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3652) of Louis L. Kafka, William C. Galvin and Brian A. Joyce for legislation to establish a sick leave bank for Paula Campbell, an employee of the Trial Court;

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

Petition (accompanied by bill, House, No. 3653) of David M. Nangle for legislation to establish a sick leave bank for Catherine Kungu, an employee of the Department of Developmental Services;

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

Order Adopted.

Mr. Rodrigues offered the following order, to wit:

Ordered, That a speech delivered by the Count of Albuquerque at his palace in the Azores, Portugal, on April 23, 2015, to members of the Massachusetts Senate, as part of a recent trip to build ties between Massachusetts and the Azores, be printed in the Journal of the Senate.

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. Creem, and the order was considered forthwith and, after remarks, was adopted.

Speech Delivered by Augusto Duarte de Andrade Albuquerque Bettencourt de Athayde, the Count of Albuquerque.

Your Excellency Mr. President of the Government of the Azores,
Your Excellency Mrs. Secretary of State for the National Defence,
Your Excellency Mr. Mayor of Ponta Delgada,
Your Excellency the Ambassador of the United States of America,
Your Excellency the Ambassador of Israel,
Your Excellency the Military Command in Chief to the Azores,
Your Excellency the President of the Massachusetts Senate,
Your Excellency and Dear Friend Senator Michael Rodrigues,
Your Excellencies Senators and Representatives of the Massachusetts State House,
Your Excellencies the American Council to the Azores,

Your Excellency the President of the Azorean Jewish Heritage Foundation, My dear Friend Gideon Gradman,
Member of the Jewish Community of Lisbon,
Other Civil and Military Authorities,
Honorary Consuls accredited to the Azores,
Representative of the FLAD present here today,

Ladies and Gentlemen

Dear Friends,

It is indeed a huge honour for my Family and for myself to receive today Portas do Céu all our good friends involved with the project of restoration of the Synagogue of Ponta Delgada, one of the most ancient and important Religious Temples of the Azores and Portugal.

When my good friend Dr. José de Almeida Mello kindly invited me, after the previous approval of the Mayor of Ponta Delgada, to be a member of the Honorary Committee for the Restoration and Architectural and Spiritual Recovery of our Synagogue, I felt it was a great privilege to be part of this most important project for the Azores, particularly considering these islands' strong and most significant historical culture, their intense religious life, and taking in account the strong and deep sense of the Azoreans' Spirituality .

The Azores owe a lot to the Jewish Community who has contributed with its religious values, work, example, economic initiative spirit of entrepreneurship, enlightened vision and superior understanding of life and the world granted by God to the Spiritual and Material progress of the Azoreans during the last six hundred years!

This day is therefore a day of great joy as we are celebrating all together the memory and teachings of this great community of men and women who led by example participating in the Azorean public life! May we honour their virtues, moral understanding, spiritual and religious teachings who have been through the centuries a major moral asset for the Azoreans.

Congratulations to the Municipal Authorities hereby present today for this important and most significant achievement. It was indeed for me and for my family's Foundation an unforgettable experience to have been part of the structuring, and good conclusion of this project, and hosting you all today at home gives us a deep sense of happiness to our hearts!

No doubt that intense following and participation in pursuing this project's goal and conclusion, has enabled us to re-learn the important lessons of humility, solidarity, tolerance, justice, friendship and brotherhood. Remembering the legacy of history, reassuring the eternal ethical and spiritual values taught to us by the Lord, of good, free and responsible men, values that shall be followed and respected as a sure and enlightened path to the progress and respect of all Mankind, keeping our eyes in the future and in the progress of Humankind, never forgetting dialogue, and the search for consensus as essential tools which appropriate use are essential for the building of any solid and long-lasting spiritual, physical and human construction.

When visiting the Touro Synagogue and Museum at Newport last November together with my good friends Gideon Gradman, Senator Michael Rodrigues, Pedro Amaral and Betty Burns, my wife and I had the opportunity to remember the teachings of those important universal principles of freedom of choice, freedom of religion, respect for one another's different religious beliefs, and ethical principles clearly mentioned in the first President of the United States of America George Washington's famous letter addressed in August of 1790 to the Hebrew Congregation in Newport, Rhode Island, where several of its members were of Portuguese origin, which may be considered – such values - as the cornerstone of the building of your great country.

Indeed the tone of such message became a clarion call promising more than mere tolerance, but full liberty of conscience to every American no matter what his or her religious belief.

In the letter's content Washington notes, "For, happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens in giving it on all occasions their effectual support." And he concludes by looking forward to a time when, "everyone shall sit in safety under his own vine and fig tree and there shall be none to make him afraid."

American Historian Melvin Urofsky has written on the letter the following words:

"Although this letter carries with it a unique and cherished significance for American Jewry, in many ways it is a treasure of the entire Nation. America as de Tocqueville famously wrote, had been 'born free', unfettered by the Religious and social bigotries of medieval Europe. The United States although initially founded by people from the British Isles, had well before the Revolution become a haven of many peoples from Continental Europe seeking political and religious freedom and economic opportunity. The new nation recognized this diversity for what it was, one of the country's greatest assets, and took the motto 'E Pluribus Unum' – Out of many, one ... The separation of Church and state, and with it the freedom of religion enshrined in the First Amendment to the Constitution has made the United States a beacon of hope to oppressed peoples everywhere."

Having said this, I would also like to refer on that occasion and considering the presence here today of His Excellency the Ambassador of the United States of America, and of all our American friends, to my Family's ties with the United States of America .

Not only my great, great, grandfather Augusto de Athayde da Silveira Estrela, travelled to New York in the 1880's and had the occasion to witness the starting of a fox hunting leaving from (imagine!) the 5th Avenue in Manhattan but we have also the honour to descend from the sister of the First Portuguese Ambassador to the United States of America my Uncle Cipriano Ribeiro Freire.

He was a personal friend of several American Founding Fathers such as Washington, Adams and Jefferson. His assignment to the USA ended in 1800 and he died in Portugal in the year of 1825.

Also following the path of relationship between our two countries we had the great privilege of being visited here at our family siege in the beginning of the 20th century by two United States Presidents during their visits to the Azores Islands. Among several Heads of State, Presidents, Kings, Princes, Heads and Members of Royal Houses, such as Prince Albert II of Monaco (as you all know son of the famous American actress Grace Kelly) in 2004, who have visited this Botanical Park in the last 150 years and since my ancestor José do Canto a man of vision and love for his Fatherland and for botanics took the decision of planting this Botanical Park assembling plants and trees from the five continents, my family was honoured by the visits of Their Excellencies Presidents Theodore and Franklin Roosevelt respectively.

Actually the New York Times of 31st of March 1909 expressly mentions the visit of Theodore Roosevelt to the Botanic Parks of Ponta Delgada occurred on March 30 and the oldest Portuguese and Azorean Newspaper the "Açoriano Oriental" also published that on that same date ex-President Roosevelt had reached Ponta Delgada having travelled in a ship named "Hamburg" and together with the then American Consul and Vice Consul had visited this property.

Regarding the visit of President Franklin Delano Roosevelt to the Azores, one can say that he has certainly been the most illustrious and famous statesman and Head of State who has ever visited this property considering that he has been the man who launched the "New Deal" to fight the Economic Crisis and who led his country the Allies and the Free World to the victory in World War II.

He visited this park on July 17, 1918. On these days he was deploying functions as Navy Undersecretary, and travelled to the Azores on an inspection trip.

The then young Roosevelt wrote in his diary on that day, "Yesterday we visited a wonderful private park named CANTO – a collection of trees and plants from all over the world and especially marked leaves. ALMOST ANYTHING WILL GROW IN THE Azores for the temperature is about the same at all times and one sees bamboo next to English oak and even white pine."

Considering the importance of Franklin Roosevelt's action and the values for which he stood, we shall remember that nowadays an important forum of ideas led by the FLAD, the USA – Portugal Foundation a most reputable entity which purpose is the development and the promotion of conferences and debates on subjects related to the relationship between the Azores and the USA.

I would like to express as an Azorean my gratitude to the Azorean Government for the good development of the friendship ties between the Azores and the USA.

Taking into consideration what has just been said, and honouring the memory of my dear Father who had an unconditional love for his beloved Fatherland, the Azores, and for this property and his family, and who started this House's Portrait Gallery of Illustrious Visitors to this Estate, we have today the honour of unveiling two new portraits of such gallery, precisely both Presidents Roosevelt portraits respectively, copies of the originals which are at the Congress Hall in Washington DC.

I have to share with you Dear Friends that for me there is no doubt that my Father is here today, with us in spirit, and I thank God every day in my life for the honour of having been chosen by the Lord to be my Father's son. No doubt he was indeed a man of honour and values, who lived by high standards of moral dignity and integrity, ethics and trust, and who had a fair clever and intelligent understanding of the world, and by progress of men and nation thought dialogue and the reaching of consensus. He had a compassionate vision of men and life and a balanced and blended vision based on reason, experience, intuition and love.

May we deserve as his heirs, his moral legacy.

By unveiling these portraits today and by following the path set by my father, this Foundation and my family are giving their modest and symbolic contribution to the strengthening of the Azorean – North American good relationship, based on historical ties of mutual and reciprocal friendship, trust and generosity.

May God help us.

And before finishing please allow me to share with you the last paragraph of the already mentioned famous Letter addressed by George Washington to the Hebrew Congregation in Newport, Rhode Island: “May the father of all mercies scatter light, and not darkness, upon our paths, and make us all in our several vocations useful here, and in His own due time and way everlastingly happy.”

Thank you all very much!

PAPERS FROM THE HOUSE

Committee of Conference Report.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill making appropriations for the fiscal year 2016 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. 3401) (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 1930), reported, in part, a “Bill relative to the conveyance of easements in the town of Eastham” (House, No. 3651),-- **came from the House, and was read.**

The rules were suspended, on motion of Mr. DiDomenico, and the report was considered forthwith and, accepted, in concurrence.

Committee of Conference Report.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill making appropriations for the fiscal year 2016 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. 3401) (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 1930), reported, in part, a “Bill making appropriations for the fiscal year 2016 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. 3650),-- came from the House, and was read.

The rules were suspended, on motion of Ms. Spilka, and the report was considered forthwith.

After debate, the question on acceptance of the report of the committee of conference was determined by a call of the yeas and nays, at a five minutes before five o'clock P.M., on motion of Mr. Pacheco, as follows, to wit (31 yeas – 5 nays) **[Yeas and Nays No. 49]:**

YEAS.

Barrett, Michael J.

Keenan, John F.

Brownsberger, William N.

Lesser, Eric P.

Chandler, Harriette L.

Lewis, Jason M.

Creem, Cynthia Stone

L'Italien, Barbara

deMacedo, Viriato M.

Montigny, Mark C.

DiDomenico, Sal N.

Moore, Michael O.

Donoghue, Eileen M.

O'Connor Ives, Kathleen

Downing, Benjamin B.

Petrucelli, Anthony

Fattman, Ryan C.

Rodrigues, Michael J.

Flanagan, Jennifer L.

Ross, Richard J.

Forry, Linda Dorcena

Rush, Michael F.

Gobi, Anne M.

Spilka, Karen E.

Hedlund, Robert L.

Tarr, Bruce E.

Humason, Donald F., Jr.

Timilty, James E.

Jehlen, Patricia D.

Welch, James T. – **31.**

Joyce, Brian A.

NAYS.

Donnelly, Kenneth J.

Pacheco, Marc R.

Eldridge, James B.

Wolf, Daniel A. – **5.**

McGee, Thomas M.

ABSENT OR NOT VOTING.

Chang-Diaz, Sonia

Lovely, Joan B. – **2.**

The yeas and nays having been completed at two minutes before five o'clock P.M., the report was accepted, in concurrence.

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 Senator Thomas P. Kennedy.

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill relative to the conveyance of easements in the town of Eastham (see House, No. 3651), 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 11 to 0.**

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

An engrossed Bill making appropriations for the fiscal year 2016 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 (see House, No. 3650), 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 8 to 0.**

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

Engrossed Bill.

An engrossed Bill making appropriations for the fiscal year 2016 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 (see House, No. 3650) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-four minutes past five o'clock P.M., as follows to wit (*yeas 36 - nays 0*) [**Yeas and Nays No. 50**]:

YEAS.

Barrett, Michael J.	Lesser, Eric P.
Brownsberger, William N.	Lewis, Jason M.
Chandler, Harriette L.	L'Italien, Barbara
deMacedo, Viriato M.	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.	Petrucelli, Anthony
Fattman, Ryan C.	Rodrigues, Michael J.
Flanagan, Jennifer L.	Rosenberg, Stanley C.
Forry, Linda Dorcena	Ross, Richard J.
Gobi, Anne M.	Rush, Michael F.
Hedlund, Robert L.	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 – 0.

ABSENT OR NOT VOTING.

Chang-Diaz, Sonia

Lovely, Joan B. – 3.

Creem, Cynthia Stone

The yeas and nays having been completed at twenty-eight minutes past five o'clock P.M., the bill was passed to be enacted, and it was signed by the President and laid before the Governor for his approbation.

Order Adopted.

On motion of Ms. Chandler,--

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

Adjournment in Memory of Senator Thomas P. Kennedy.

The Senator from Suffolk and Norfolk, Mr. Rush, and the Senator from Bristol and Norfolk, Mr. Timilty, requested that when the Senate adjourns today, it adjourn in memory of Senator Thomas P. Kennedy.

State Senator Thomas Patrick Kennedy died peacefully on June 28th, after a struggle with pneumonia. Family and friends were by his side. He was 63. The cherished husband of Clare Holmgren, Tom was a life-long resident of Brockton, a city he loved deeply and served for the entirety of his adult life.

He was a proud graduate of Cardinal Spellman High School, Class of 1969. Tom would go on to earn undergraduate degrees from Massasoit Community College and Stonehill College, and a Master's Degree in Public Administration from Harvard University's John F. Kennedy School of Government.

Following his graduation from Cardinal Spellman, Tom entered the Missionary Congregation of Oblates of Mary Immaculate seminary to begin studies for the Catholic priesthood. In 1970, during his second year, a tragic accident left Tom a quadriplegic. After a long series of hospitalizations and rehabilitation, he returned to the family homestead in Brockton. Although he was unable to continue his path to the priesthood, he found his second calling in public service.

Under Mayor David Crosby, he served as the City of Brockton's Ombudsman from 1974 to 1978. In 1978, he was elected to the Brockton City Council, representing Ward 2. After serving 5 years as Ward 2 City Councilor, Tom was elected to the Massachusetts House of Representatives where he ably served the 9th Plymouth district as a State Representative until 2008, when he was elected to the State Senate representing the 2nd Plymouth & Bristol district.

While in the Senate, Tom would forge deeply personal friendships with new colleagues but none more important than the Hibernian Caucus. Affectionately referred to as the "Taoiseach," Tom would cheerfully spend hours recounting his legislative experiences.

During the four decades he served in the legislature, he was instrumental in the passage of several significant pieces of legislation, but his true passion was the service to the people of the Commonwealth generally, and his constituents in particular. He was singularly focused on serving the diverse needs of his district and was a tireless advocate for children, the sick, the elderly, and for all those who lacked a voice of their own. He was widely recognized for his good works and accomplishments, but he always felt that his true reward was to see the results of the help he was able to provide.

Tom was kind and witty – he loved a good story and laughed easily and often. He was a faith-filled man and was perpetually guided and nourished by his Catholic beliefs. One of his proudest moments was having the rare distinction of Honorary Oblate bestowed upon him by the Missionary Congregation of Oblates of Mary Immaculate in 1978.

Notwithstanding the daily suffering occasioned by the complications of his accident, Tom considered himself to be one of the most fortunate people in the world – due to the love, kindness and care shown to him by those around him. His legacy will live on forever through the countless memories he created with all those fortunate to have called him their friend.

Accordingly, as a mark of respect to the memory of Senator Thomas P. Kennedy, at twenty-nine minutes past five o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again tomorrow at eleven o'clock A.M.