

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.

Tuesday, July 26, 2016.

Met at ten 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.

Communications.

Communication from the Community Economic Development Assistance Corporation (under the provisions of Section 2A of Chapter 40H of the General Laws) submitting its 2015 Annual Report - Transforming Communities Transforming Lives (received July 26, 2016). – was placed on file.

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 2460) of Marc R. Pacheco and Susan Williams Gifford (by vote of the town) for legislation to create a department of municipal finance in the town of Carver under the direction of a finance director [Local approval received];

**Under Senate Rule 20, to the committee on Municipalities and Regional Government.
Sent to the House for concurrence.**

By Ms. Donoghue, a petition (accompanied by bill) (subject to Joint Rule 12) of Eileen M. Donoghue for legislation to establish a sick leave bank for Laura Guillermo, an employee of the Department of Children and Families; and

By Mr. Humason, a petition (accompanied by bill) (subject to Joint Rule 12) of Donald F. Humason, Jr., Anne M. Gobi, Viriato M. deMacedo, David F. DeCoste and other members of the General Court for legislation to clarify firearms oversight;

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

Report of a Committee.

By Ms. Lovely, for the committee on State Administration and Regulatory Oversight, on petition, a Bill authorizing the division of capital asset management and maintenance to grant an easement to the town of Grafton over a certain parcel of land (Senate, No. 2427);

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

Committees Discharged.

Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing the joint committee on Financial Services to make an investigation and study of certain current Senate documents relative to financial services matters (Senate, No. 2448),-- **and**

**recommending that the same be referred to the committee on Rules;
Under Senate Rule 36, the report was considered forthwith and accepted.**

Resolutions.

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

Resolutions (filed by Mr. Ross and Ms. Spilka) “congratulating Michael Joseph Hurley of the town of Franklin on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Ross and Ms. Spilka) “congratulating Ian Patrick Morris of the town of Franklin on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Ross and Ms. Spilka) “congratulating Nathan Michael Weldman of the town of Franklin on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Ross and Ms. Spilka) “congratulating Raymond Douglas Wilschek of the town of Franklin on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Ms. Spilka) “congratulating Christopher B. McGillicuddy of the town of Framingham on his elevation to the rank of Eagle Scout”; and

Resolutions (filed by Mr. Tarr) “commending the King of Thailand Birthplace Foundation, Inc. on its recognition of the one hundredth anniversary of His Royal Highness Prince Mahidol of Songkla's arrival in the city of Gloucester.”

Matter Taken Out of the Orders of the Day.

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

The Senate Bill authorizing the town of Hubbardston to convey a certain parcel of land (Senate, No. 2130) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The House Bill validating the actions taken at a special town meeting held in the town of Templeton (printed in House, No. 4439),-- **was read a third time and passed to be engrossed, 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 Senate Bill relative to New England Convenience Stores and Energy Marketers Association (Senate, No. 2096).

There being no objection, the rules were suspended, on motion of Mr. OConnor, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act relative to the membership of the Underground Storage Tank Petroleum Cleanup Fund Administrative Reuse Board”.

Sent to the House for concurrence.

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 authorizing a study of starting times and schedules (Senate, No. 2221) (the committee on Rules having recommended that the bill be amended substituting a “Resolve authorizing a study of starting times and schedules”, Senate, No. 2464).

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

The resolve (Senate, No. 2464) 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 Senate Bill relative to Congo conflict minerals (Senate, No. 1682),-- ought to pass, with an amendment substituting a “Resolve examining commonwealth procurement policies relative to Congo conflict minerals” (Senate, No. 2463).

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

The resolve (Senate, No. 2463) 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 Senate Bill authorizing the department of capital asset management and maintenance to lease certain land in the town of Hull to The Friends of the Paragon Carousel, Inc (Senate, No. 2219),-- **ought to pass.**

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

By Ms. Spilka, for the committee on Ways and Means, that the House Bill relative to fire safety (House, No. 2112, amended),-- ought to pass, with an amendment striking out sections 2 to 4, inclusive, and inserting in place thereof the following 2 sections:-
“SECTION 2. Said section 81 of said chapter 146, as so appearing, is hereby further amended by inserting after the word ‘modification’, in line 25, the following words:- , service, testing.
SECTION 3. Said section 81 of said chapter 146, as so appearing, is hereby further amended by striking out the definition of ‘Sprinkler fitter/journeyman sprinkler fitter’ and inserting in place thereof the following definition:-
‘Sprinkler fitter/journeyman sprinkler fitter’, any person who has completed an apprenticeship training program satisfactory to the bureau, is employed by a licensed fire protection sprinkler system contractor and who, individually or with other sprinkler fitters, performs any work in sprinkler fitting subject to inspection under any law, ordinance, by-law, rule or regulation, but does not employ other sprinkler fitters.”.

**There being no objection, the rules were suspended, on motion of Mr. OConnor, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.
The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.
Sent to the House for concurrence in the amendment.**

By Ms. Spilka, for the committee on Ways and Means, that the House Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Marlborough (House, No. 3560, changed and amended),-- ought to pass, with an amendment in section 5, by striking out, in line 58, the figure “34” and inserting in place thereof the following figure:- “32”.

**There being no objection, the rules were suspended, on motion of Mr. OConnor, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.
The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.
Sent to the House for concurrence in the amendment.**

By Ms. Spilka, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement in certain land in the city of Salem (House, No. 3970, amended),-- ought to pass, with an amendment striking out, in line 1, the figure “38” and inserting in place thereof the following figure:- 37.

**There being no objection, the rules were suspended, on motion of Mr. OConnor, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.
The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the Division of Capital Asset Management and Maintenance to grant an easement in certain land to the city of Salem”.
Sent to the House for concurrence in the amendment.**

By Ms. Spilka, for the committee on Ways and Means, that the House Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey an easement over a certain parcel of land in the town of Dracut (House, No. 4220),-- ought to pass.

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

PAPER FROM THE HOUSE.

The Senate Bill relative to respiratory therapy (Senate, No. 1150),-- came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the following:-
“Section 23V of chapter 112 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out subsection (d) and inserting in place thereof the following two subsections:-
(d) any person performing respiratory care services in the commonwealth, if these services are performed for no more than 2 calendar days in a calendar year in association with a respiratory therapist licensed under this section, or
(e) an employee working for a durable medical equipment company in the commonwealth and having a minimum of 500 hours of positive airway pressure equipment and supply related training under the supervision of a respiratory therapist licensed in the commonwealth, performing the delivery, initial setup and maintenance of positive airway pressure equipment and supplies for home care patients with a diagnosis of obstructive sleep apnea; provided, however, that this exemption does not apply to clinical assessment, clinical evaluation or clinical intervention on home care patients.”.

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

The House Bill authorizing the Nantucket Islands Land Bank to convey certain parcels of land held for open space, recreational or conservation purposes to the town of Nantucket for open spaces, recreational or conservation purposes (House, No. 3892, amended),-- came from the House with the endorsement that the House had concurred in the Senate amendment with a further amendment striking out section 2 and inserting in place thereof the following section:-

“SECTION 2. Notwithstanding any general or special law to the contrary, as a condition of the conveyances authorized in section 1, the town of Nantucket shall convey a parcel or parcels of land under the care, custody, management and control of the board of selectmen or other town board and dedicated for general municipal purposes or other purposes not subject to article 97 of the amendments to the constitution of the commonwealth of Massachusetts to the Nantucket Islands Land Bank for the purposes for which the Nantucket Islands Land Bank was created. The parcel or parcels conveyed to the Nantucket Islands Land Bank pursuant to this section shall be of equal or greater size and value for conservation or park purposes when compared to the parcels described in section 1 and of equal or greater value, as determined by an independent appraisal or appraisals, when compared to the value of the parcels in section 1. The conveyances authorized in this act shall meet the requirements of chapter 669 of the acts 1983.”.

The rules were suspended, on motion of Mr. OConnor, and the further House amendment was adopted, in concurrence.

Engrossed Bill.

An engrossed Bill relative to non-conforming structures (see House, No. 3611, amended) (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. Boncore) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. OConnor,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on tomorrow 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 twenty-three minutes past eleven o'clock, A.M., the Senate adjourned to meet again tomorrow at eleven o'clock A.M.