

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, September 24, 2015.

Met at five minutes past eleven o'clock A.M. (Mr. Timilty 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. Timilty), members, guests and staff then recited 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 Mr. deMacedo for the purpose of an introduction. Mr. deMacedo then introduced, in the rear of the Chamber, his older brother, Donald deMacedo. Beside him stood Anibal Teixeira de Souza and his family. The Senate welcomed them with applause and they withdrew from the Chamber.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Fattman for the purpose of an introduction. Mr. Fattman then introduced, in the rear of the Chamber, the members of the Worcester and Norfolk Senate District Youth Advisory Council. Andy Lussier, Ashley Lavoie, George Keefe, John McCarthy, Kelsey Gaudette, Mario Cicconi, Matthew O'Brien, Natalie Massey, Patrick Edwards, Rebecca Pfeiffer, Sam Malone and Samuel O'Connor are members of this year's Worcester and Norfolk Senate District Youth Advisory Council. The Senate welcomed them with applause and they withdrew from the Chamber.

Communication.

Communication from the Honorable Michael J. Barrett, in compliance with Massachusetts General Laws Chapter 268A (received in the Office of the Clerk of the Senate on Tuesday, September 22, 2015, at twenty-two minutes before ten o'clock A.M.),-- **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 Section 207 of Chapter 46 of the Acts of 2015 submitting its MBTA Fiscal and Management Control Board - Report #1: Baseline Analysis and Progress to Date (received September 22, 2015); and

Report of the Department of Public Health (pursuant to Section 9, of Chapter 288 of the Acts of 2010) submitting its report "Phase 2: Recommendations of the Massachusetts Commission on Falls Prevention" (received September 22, 2015).

Petition.

Mr. Ross (by request) presented a petition (accompanied by bill) (subject to Joint Rule 12) of Mark Bell for legislation relative to moving violations,-- **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Committees Discharged.

Mr. Donnelly, for the committee on Election Laws reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 386) Thomas P. Kennedy for legislation to ensure appropriate capital payment for nursing facilities,-- **and recommending that the same be referred to the committee on Elder Affairs; and**

Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 463) Karen E. Spilka and Lori A. Ehrlich for legislation to ensure microbead-free water,-- **and recommending that the same be referred to the committee on Public Health; Under Senate Rule 36, the reports were considered forthwith and accepted. Severally sent to the House for concurrence.**

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3767) of Aaron Vega (with the approval of the mayor and city council) that the city of Holyoke be authorized to establish a four year term for school committee members,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

A Bill establishing a sick leave bank for Wendy Savary, an employee of the Department of Unemployment Assistance (House, No. 3750, amended,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Reports.

Of the committee on Education asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 424) of Peter V. Kocot and others for legislation to authorize school districts to establish a reserve fund for certain special education and transportation costs,-- **and recommending that the same be referred to the committee on Municipalities and Regional Government; and**

Of the committee on Revenue asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3747) of Harold P. Naughton, Jr. for legislation to authorize the Department of Revenue to collect a surcharge for 911 services from the end users of prepaid wireless services at the point of sale on each retail sale,-- **and recommending that the same be referred to the committee on Public Safety and Homeland Security. Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Resolutions.

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

Resolutions (filed by Mr. Joyce) "congratulating Michael J. Mottau on the occasion of the dedication of the Michael J. Mottau Hobey Baker Award Plaque in the town of Avon";

Resolutions (filed by Mr. Rosenberg) "congratulating the people of the town of Kanegasaki on the occasion of the sixtieth anniversary of the founding of the town of Kanegasaki"; and

Resolutions (filed by Mr. Timilty) "congratulating William Robert Buckley on his eightieth birthday."

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 Senate Bill providing for an increase in the membership of the board of selectmen for the town of Brimfield to 5 members (Senate, No. 22, changed),-- **was read a third time and passed to be engrossed. Sent to the House for concurrence.**

The Senate Bill establishing a special fund for recaptured funds from demolition liens or related grants in the town of Athol (Senate, No. 32),-- **was read a third time and passed to be engrossed. Sent to the House for concurrence.**

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 Acting President (Mr. Timilty) and laid before the Governor for his approbation, to wit:

Relative to the charter of the city known as the town of Randolph (see Senate, No. 1942, amended);
Reducing the size of the City Council of the city of Holyoke (see House, No. 3329, amended);
Establishing a 4-year term for the office of Mayor of the city of Holyoke (see House, No. 3558, amended);
Relative to the Department of Public Works in the town of Tisbury (see House, No. 3619);
Establishing a four-year term for the office of City Councilor of the city of Holyoke (see House, No. 3680, amended); and
Establishing an appointed Treasurer for the city of Holyoke (see House, No. 3734, amended).

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Authorizing the town of Bellingham to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 148);
Relative to the charter of the town of Sutton (Senate, No. 1078);
Authorizing the conveyance of certain property in the town of Salisbury (Senate, No. 1095);
Regarding group health insurance for eligible retirees in the town of Carver (Senate, No. 1921);
Authorizing the town of Dalton to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 1927);
Relative to the creation of a treasurer-collector in the town of Plainville (Senate, No. 1961);
Creating a town administrator in the town of Plainville (Senate, No. 1962);
Authorizing the Andover school district to convey a certain parcel of land (Senate, No. 1983);
Relative to the charter of the town of Abington creating a department of public works (Senate, No. 1996);
Exempting the position of auditor in the city of Woburn from the civil service law (House, No. 3354, amended);
Relative to the taking of property by the Medway Redevelopment Authority (House, No. 3361);
Authorizing the town of Maynard to grant 6 additional licenses for the sale of all alcoholic beverages to be drunk on the premises and 1 additional license for the sale of wines and malt beverages not to be drunk on the premises (House, No. 3371, amended);
Authorizing the town of Dedham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3372);
Increasing the expenditure limit of the Fire Department Emergency Medical Services Revolving Fund in the town of Somerset (House, No. 3573);
Relative to the composition of the Nantucket Historic District Commission (House, No. 3618, amended);
Authorizing the city of Salem to issue additional licenses for the sale of alcoholic beverages (House, No. 3710);
Authorizing the city of Melrose to issue licenses for the sale of alcoholic beverages to be drunk on the premises to table-service restaurants and function rooms with a minimum seating capacity (House, No. 3713, amended);
Authorizing the town of Milford to grant an additional license for the sale of wines and malt beverage not to be drunk on the premises (House, No. 3716); and
Relative to the charter of the town of Needham (House, No. 3745);
Were severally read a second time and ordered to a third reading.

The Senate Bill authorizing the issuance of two additional licenses for the sale of wines and malt beverages not to be drunk on the premises (Senate, No. 1947),-- **was read a second time.**

Pending the question on ordering the bill to a third reading, Ms. Lovely presented an amendment striking out section 2 and inserting in place thereof the following 2 sections:-

“SECTION 2. The licensing authority shall not approve the transfer of a license granted under this act to any other location but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those entities and that all applicable taxes, fees and contributions have been paid.

SECTION 2A. If a license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining to the license, to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location under the same conditions as specified in this act.”

The amendment was adopted.

The bill (Senate, No. 1947, amended) was then ordered to a third reading. The rules were suspended on motion presented by Ms. Lovely, and the bill was read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to a read as follows: “An Act authorizing the town of Topsfield to grant additional licenses for the sale of wines and malt beverages not to be drunk on the premises.”

Sent to the House for concurrence.

At twenty-four minutes past eleven o'clock A.M., Mr. Tarr doubted the presence of a quorum. The Chair (Mr. Timilty), 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 the following matter was taken out of order and considered as follows:

The Senate Bill relative to the spinal cord injury trust fund (Senate, No. 1972),-- **was read a second time.**

Pending the question on ordering the bill to a third reading, Messrs. Pacheco, Timilty and Rush, Ms. Gobi, Messrs. Keenan, Tarr, Montigny and Ross move to amend the bill amended by inserting, in line 14, after the phrase "the custodian of the" the following: "Thomas P. Kennedy"; and by inserting the following new sections:-

"SECTION 8. Subsection (a) of section 59 of said chapter 10 of the General Laws, as so appearing, is hereby amended by inserting, in line 6, after the phrase 'monies deposited in the' the following: 'Thomas P. Kennedy'.

SECTION 9. The fifth paragraph of section 20 of said chapter 90 of the General Laws, as so appearing, is hereby amended by inserting, in line 115, before the phrase 'Spinal Cord Injury Trust Fund' the following: 'Thomas P. Kennedy'.

SECTION 10. Said fifth paragraph of said section 20 of said chapter 90 of the General Laws, as so appearing, is hereby amended by striking out the fourth, fifth, and sixth sentences and inserting in place thereof the following 2 sentences:- In addition to any reinstatement fee, there shall be a surcharge of \$50, assessed against a person who seeks to have his license reinstated following a revocation or suspension under this paragraph. The surcharge shall be transferred by the registrar of motor vehicles to the state treasurer for deposit into the Thomas P. Kennedy Spinal Cord Injury Trust Fund."

The President in the Chair, after debate and pending the question on adoption of the amendment and pending the main question on ordering the bill to a third reading, Mr. Brownsberger moved that the matter be placed at the end of the calendar; and, this motion prevailed.

Recess.

At eighteen 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 six minutes before one o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

The Orders of the Day were further considered as follows:

The Senate Bill further regulating tanning facilities (Senate, No. 1994),-- **was read a second time.**

Pending the question on ordering the bill to a third reading, Mr. Fattman moves to amend the bill by striking out section 2.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at eighteen minutes past one o'clock P.M., on motion of Mr. deMacedo, as follows, to wit (*yeas 6 — nays 32*) [**Yeas and Nays No. 162**]:

YEAS.

deMacedo, Viriato M.

Humason, Donald F., Jr.

Fattman, Ryan C.

Ross, Richard J.

Hedlund, Robert L.

Tarr, Bruce E. — **6.**

NAYS.

Barrett, Michael J.

Lesser, Eric P.

Brownsberger, William N.

Lewis, Jason M.

Chandler, Harriette L.

L'Italien, Barbara

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.	Petrucelli, Anthony
Flanagan, Jennifer L.	Rodrigues, Michael J.
Forry, Linda Dorcena	Rush, Michael F.
Gobi, Anne M.	Spilka, Karen E.
Jehlen, Patricia D.	Timilty, James E.
Joyce, Brian A.	Welch, James T.
Keenan, John F.	Wolf, Daniel A. — 33.

The yeas and nays having been completed at twenty-one minutes past one o'clock P.M., the amendment was *rejected*.
The bill was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays at twenty-two minutes past two o'clock P.M., on motion of Mr. Timilty, as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 163**]:

YEAS.

Barrett, Michael J.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	L'Italien, Barbara A.
Creem, Cynthia Stone	Lovely, Joan B.
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.	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.
Joyce, Brian A.	Wolf, Daniel A. – 38.

NAYS – 0.

The yeas and nays having been completed at twenty-five minutes past one o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill relative to motor vehicle suspension (Senate, No. 1812),-- **was read a second time.**

The pending amendment, previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2014),-- was considered.

After debate, Mr. Tarr moves to amend the proposed new draft by inserting after section 1 the following new sections:-

“SECTION 2. Section 24 of Chapter 90, as so appearing in the 2014 Official Edition, is hereby amended, in line 495, by inserting after the word ‘or’, the following: ‘evidence of alcohol, marijuana, narcotic drugs, depressants or stimulant substances, all as defined in section one of chapter ninety-four C’;

By inserting in line 495, after the word “breath”, the following: ‘or other bodily substances including but not limited to urine’;

By inserting in line 498, after the word ‘liquor’, the following: ‘, marijuana, narcotic drugs, depressants or stimulant substances, all as defined in section one of chapter ninety-four C’;

By inserting in line 518, after the word ‘liquor’, the following: ‘marijuana, narcotic drugs, depressants or stimulant substances, all as defined in section one of chapter ninety-four C’;

SECTION 3. Section 24 of said Chapter 90, as so appearing in the 2014 Official Edition, is hereby amended, in line 536, after the word ‘breath’, by striking out the word ‘or blood’ and inserting in place thereof: ‘or blood or other bodily substances including but not limited to urine.’;

By inserting in line 538, after the word ‘liquor’, the following: ‘, marijuana, narcotic drugs, depressants or stimulant substances, all as defined in section one of chapter ninety-four C’;

By inserting in line 548, after the word ‘liquor’, the following: ‘, marijuana, narcotic drugs, depressants or stimulant substances, all as defined in section one of chapter ninety-four C’;

By inserting in line 601, after the word ‘liquor’, the following: ‘, marijuana, narcotic drugs, depressants or stimulant substances, all as defined in section one of chapter ninety-four C’;

In line 617, after the word ‘breath’, by striking out the word ‘or’ and inserting in place thereof: ‘,’;

By inserting in line 617, after the word ‘blood’, the following: ‘or other bodily substances including but not limited to urine’;
By inserting in line 649, after the word ‘liquor’, the following: ‘, marijuana, narcotic drugs, depressants or stimulant substances, all as defined in section one of chapter ninety-four C’; and
SECTION 4. Section 24 of said Chapter 90, as so appearing in the 2014 Official Edition, is hereby amended, in line 712, after the word ‘liquor’, the following: ‘, marijuana, narcotic drugs, depressants or stimulant substances, all as defined in section one of chapter ninety-four C’.”

After debate, the amendment was rejected.

Messrs. Tarr and Hedlund moved that the proposed new draft be amended by inserting at the end thereof the following new section:-

“SECTION . Notwithstanding any general or special law to the contrary the division of insurance shall conduct a study on the feasibility of reducing the amount of time unsafe drivers points remain on a drivers record. Said report along with recommendations shall be submitted to the clerks of the house and senate, the joint committee on transportation and the house and senate committee on ways and means by no later than December 31, 2015.”

After remarks, the amendment was adopted.

Messrs. Tarr and Hedlund move to amend the proposed new draft by striking section 1 in its entirety and inserting in place thereof the following:-

“SECTION 1. Section 22 of Chapter 90 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out subsection (f) and inserting in place thereof the following:- (f) The registrar upon a petition by the district attorney and after a hearing, may suspend the license or right to operate, or provide for a hardship license of a person who is convicted of a violation of any provision of chapter ninety-four C or adjudged a delinquent child by reason of having violated any provision of chapter ninety-four C; provided that in said hearing the district attorney makes a showing that there is a substantial likelihood of said person to operate under the influence of a substance controlled under chapter ninety-four C, and provided further in such hearing, said person shall be allowed to present evidence; provided, however that the period of such suspension or hardship shall not exceed five years; provided further, that any person so convicted who is under the age of eighteen years or who is adjudged a delinquent child by reason of having violated any provision of chapter ninety-four C, and is not licensed to operate a motor vehicle shall, at the discretion of the presiding judge, not be so licensed for a period no later than when such person reaches the age of twenty-one years.”

After debate, the amendment was *rejected*.

Ms. Spilka moved to amend the proposed new draft by inserting after section 2 the following section:-

“SECTION 3. Clause (36) of section 33 of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out, in line 231, the words ‘, (e) and (f)’ and inserting in place thereof the following words:- ‘and (e)’.”

The amendment was adopted.

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

The bill (Senate, No. 1812, amended) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays at twenty minutes before three o’clock P.M., on motion of Ms. Chandler, as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 164**]:

YEAS.

Barrett, Michael J.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	L’Italien, Barbara A.
Creem, Cynthia Stone	Lovely, Joan B.
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.	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.
Joyce, Brian A.	Wolf, Daniel A. – 38.

NAYS – 0.

**The yeas and nays having been completed at seventeen minutes before three o'clock P.M., the bill was passed to be engrossed. [For text of Senate Bill printed as amended, see Senate, No. 2021].
Sent to the House for concurrence.**

Resolutions.

The following resolutions (having been filed with the Clerk by Ms. Chandler) were considered forthwith, read and adopted, as follows:-

A RESOLUTION RELATIVE TO DRIVER'S LICENSE SUSPENSIONS FOR DRUG OFFENSES.

RESOLVED, THAT THE MASSACHUSETTS SENATE IS OPPOSED TO A LAW THAT REQUIRES IN ALL CIRCUMSTANCES, OR REQUIRES IN THE ABSENCE OF COMPELLING CIRCUMSTANCES WARRANTING AN EXCEPTION, THE REVOCATION OR SUSPENSION FOR AT LEAST 6 MONTHS OF THE DRIVER'S LICENSE OF ANY INDIVIDUAL WHO IS CONVICTED OF ANY VIOLATION OF THE CONTROLLED SUBSTANCES ACT OR ANY DRUG OFFENSE.

After remarks, the question on adoption of the resolutions was determined by a call of the yeas and nays, at thirteen minutes before three o'clock P.M., on motion of Ms. Chandler, as follows, to wit (*yeas 38 -- nays 0*) [**Yeas and Nays No. 165**]:

YEAS.

Barrett, Michael J.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.

Chang-Diaz, Sonia	L'Italien, Barbara A.
Creem, Cynthia Stone	Lovely, Joan B.
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.	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.
Joyce, Brian A.	Wolf, Daniel A. – 38.

NAYS – 0.

The yeas and nays having been completed at ten minutes before three o'clock P.M., the resolutions were **adopted**.

Orders of the Day.

The Orders of the Day were further considered as follows:

The Senate Bill relative to the spinal cord injury trust fund (Senate, No. 1972),-- was further considered, the main question being on ordering the bill to a third reading.

Pending the question on adoption of the amendment previously moved by Mr. Pacheco, and pending the main question on ordering the bill to a third reading, on motion of Mr. Pacheco the amendment was divided and considered as follows:

Messrs. Pacheco, Timilty and Rush, Ms. Gobi, Messrs. Keenan, Tarr, Montigny and Ross move to amend the bill by inserting the following new sections:-

“SECTION 1. Section 59 of chapter 10 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the word ‘the’, in line 6, the following words:- Thomas P. Kennedy.

SECTION 2. Section 59A of said chapter 10, as so appearing, is hereby further amended by inserting after the word ‘the’, in lines

2 and 11, each time it appears, the following words:- Thomas P. Kennedy.

SECTION 3. Said section 59A of said chapter 10, as so appearing, is hereby further amended by striking out, in lines 8 and 9, the words ‘5 or more moving violations or surchargeable offenses’ and inserting in place thereof the following words:- 3 surchargeable offenses within any 2-year period or as a result of receiving 7 surchargeable offenses.

SECTION 4. Said section 59A of said chapter 10, as so appearing, is hereby further amended by inserting after the word ‘the’, in line 14, the second time it appears, the following words:- Thomas P. Kennedy.

SECTION 5. Section 20 of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting after the word “the”, in line 115, the following words:- Thomas P. Kennedy.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at six minutes before three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 39 — nays 0*) [**Yeas and Nays No. 166**]:

YEAS.

Barrett, Michael J.	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.	Petrucelli, Anthony
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Rosenberg, Stanley C.
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.

Joyce, Brian A.

Wolf, Daniel A. – **39.**

Keenan, John F.

NAYS – 0.

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

Mr. Pacheco moved that the bill be amended by adding the following 3 sections:-

“SECTION 2. Said section 59A of said chapter 10, as so appearing, is hereby further amended by striking out, in line 9, the words “first \$25 of each”.

SECTION 3. Subsection (a) of said section 59A of said chapter 10, as so appearing, is hereby amended by striking out the last sentence.

SECTION 4. The fifth paragraph of section 20 of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out the fourth, fifth and sixth sentences and inserting in place thereof the following 2 sentences:- In addition to any reinstatement fee, there shall be a surcharge of \$50 assessed against a person who seeks to have the person's license reinstated following a revocation or suspension under this paragraph. The surcharge shall be transferred by the registrar of motor vehicles to the state treasurer for deposit into the Thomas P. Kennedy Spinal Cord Injury Trust Fund.”

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

Mr. Pacheco moved to amend the bill by adding the following section:-

“SECTION 2. Said subsection (a) of said section 59A of said chapter 10, as so appearing, is hereby amended by inserting after the second sentence, the following sentence:- The surcharge assessed against a person who seeks reinstatement of the person's license to operate after the license has been suspended shall be \$50 greater for each successive reinstatement under this section.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at one minute past three o'clock P.M., on motion of Mrs. L'Italien, as follows, to wit (*yeas 29 — nays 9*) [**Yeas and Nays No. 167**]:

YEAS.

Barrett, Michael J.

McGee, Thomas M.

Chandler, Harriette L.

Montigny, Mark C.

deMacedo, Viriato M.

Moore, Michael O.

DiDomenico, Sal N.

O'Connor Ives, Kathleen

Donnelly, Kenneth J.

Pacheco, Marc R.

Donoghue, Eileen M.

Petrucelli, Anthony

Downing, Benjamin B.

Rodrigues, Michael J.

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.

Joyce, Brian A.

Timilty, James E.

Keenan, John F.

Welch, James T.

Lesser, Eric P.

Wolf, Daniel A. — **29**.

Lovely, Joan B.

NAYS.

Brownsberger, William N.

Hedlund, Robert L.

Chang-Diaz, Sonia

Jehlen, Patricia D.

Creem, Cynthia Stone

Lewis, Jason M.

Eldridge, James B.

L'Italien, Barbara A. — **9**.

Fattman, Ryan C.

The yeas and nays having been completed at five minutes past three o'clock P.M., the amendment was **adopted**.

The bill (Senate, No. 1972, amended) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays at sixteen minutes past three o'clock P.M., on motion of Mr. Pacheco, as follows, to wit (*yeas 34 — nays 4*) [**Yeas and Nays No. 168**]:

YEAS.

Barrett, Michael J.

Lesser, Eric P.

Chandler, Harriette L.

Lewis, Jason M.

Creem, Cynthia Stone

Lovely, Joan B.

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.

Fattman, Ryan C.	Petrucelli, Anthony
Flanagan, Jennifer L.	Rodrigues, Michael J.
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. – 34.

NAYS.

Brownsberger, William N.	Eldridge, James B.
Chang-Diaz, Sonia	L'Italien, Barbara A. – 4.

The yeas and nays having been completed at twenty minutes past three o'clock P.M., the bill was passed to be engrossed. [For text of Senate Bill printed as amended, see Senate, No. 2019]. Sent to the House for concurrence.

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 improving the accessibility and affordability of naloxone and other pharmaceutical drugs of public health concern (Senate, No. 603) (the committee on Rules having recommended that the bill be amended by substituting a new draft, Senate, No. 2010), and to be reported by the committee on Ways and Means with a recommended new draft with a new title, Senate, No. 2020, on Friday, September 25, 2015 prior to five o'clock P.M., and read into the Senate Journal on Monday, September 28, 2015, shall be placed in the Orders of the Day on Thursday, October 1, 2015, the main question being on ordering the bill to a third reading, with the amendments pending.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Tuesday, September 29, 2015. All such amendments shall be second-reading amendments to the recommended Senate Ways and Means new draft (Senate, No. 2020) 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, October 1, the question being on ordering the bill to a third reading, with the amendment pending.

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.

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 John "Jack" Weeks .

Adjourn In Memory of John "Jack" Weeks

The Senator from Worcester, Ms. Chandler, moved that when the Senate adjourns today, it adjourn in the memory of John "Jack" Weeks.

John "Jack" Weeks of Clinton, passed away on Tuesday, September 15, 2015 at the age of 80.

He was born and raised in Clinton, the son of James and Ann (McNamara) Weeks, and attended Clinton High School. Mr. Weeks was a U.S. Marine Corps veteran of the Korean War and a recipient of the Purple Heart.

For 33 years, he worked as a custodian for the U.S. Postal Service at its Clinton location and also as custodian for the Clinton Police Department for 20 years until his retirement in 1996.

He was a member of St. John the Guardian of Our Lady Parish and the former Our Lady of the Rosary Parish. He was a member of the Clinton Lodge of Elks, the Ancient Order of Hibernians and the Veterans of Foreign Wars. He was an advocate for education and housing in Clinton, particularly for senior citizens, and other families and individuals with low income, and he was instrumental in the formation and development of Clinton's Minor League baseball program.

As a member and former chairman of the Democratic Town Committee, he actively participated in and supported numerous campaigns throughout the years and was an aide to President Carter during his historic visit to Clinton in 1976. Former memberships include the Clinton Housing Authority, Knights of Columbus and the Clinton Turn Verein.

He enjoyed golf, the New England Patriots, occasional visits to the racetrack with friends, and especially attending his children's and grandchildren's sporting events through the years.

He is survived by his wife of seven years, Holly C. (Brandt) Weeks; two sons, John Weeks Jr. and James Weeks; a daughter, Gladys Ciccio and her husband, Michael; a brother, Robert Weeks and his wife, Susan; and a sister, Janet Maddocks, all of Clinton; three grandchildren, Patrick and Christopher McRell and Jacqueline Weeks; step-children, Sherry Brown of Clinton, Maureen Gour of Florida, Erik Gour, Jacqueline Gour and Jason Gour, all of Clinton; 11 step-grandchildren; many nieces and nephews.

He was predeceased by his wife of 41 years, Kathryn (Burke) Weeks, who died in 2002, and a brother, Rev. James M. Weeks in April 2015.

Accordingly, as a mark of respect in memory of John "Jack" Weeks, at twenty-seven 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.