

**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, November 12, 2015.*

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

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

#### *Communication.*

Communication from the Office of the Comptroller (pursuant to Section 2E of Chapter 46 of the Acts of 2015) submitting a Fiscal Year 2016 revised transfer schedule for the following account: 1595-6368 Massachusetts Transportation Trust Fund (received November 10, 2015),-- **was placed on file.**

#### *Report.*

Report of the Office of the Comptroller (pursuant to Section 12(a) of Chapter 7A of the General Laws) submitting its Statutory Basis Financial Report (SBFR) for the fiscal year ended June 30, 2015 (received November 10, 2015),-- **was placed on file.**

#### *Petition.*

Mrs. L'Italien (by request) presented a petition (accompanied by bill) (subject to Joint Rule 12) of Mitchell Puopolo for legislation to allow lane splitting in the Commonwealth,-- **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

### PAPERS FROM THE HOUSE.

A Bill establishing a sick leave bank for Robert A. Montalvo, an employee of the Department of Correction (House, No. 3824, amended,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means**

Notice was received from the Minority Leader of the House of Representatives announcing the appointment of Michael A. Prisco of North Reading to the Economic Empowerment Trust Fund (under Section 31 of Chapter 46 of the Acts of 2015) to encourage and facilitate economic empowerment throughout the Commonwealth.

#### *Resolutions.*

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

Resolutions (filed by Mr. Hedlund) "congratulating Nathaniel Francis Souza of the town of Hull on his elevation to the rank of Eagle Scout."

### PAPER FROM THE HOUSE

*Engrossed Bill.*

An engrossed Bill establishing a town administrator in the town of Plainville (see Senate, No. 1962) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Mr. DiDomenico) and laid before the Governor for his approbation.

*Report of Committees.*

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Anthony W. Petrucci for legislation relative to streamlined low-voltage alarm system installation permitting. **The rules were suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Consumer Protection and Professional Licensure. Sent to the House for concurrence.**

**PAPER FROM THE HOUSE.**

A petition (accompanied by bill, House, No. 3846) of Robert F. Fennell relative to low-voltage electrical or alarm system contracting permitted by local enforcement agencies,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Consumer Protection and Professional Licensure.**

*Report of a Committee.*

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill establishing the Massachusetts paint stewardship program (Senate, No. 408),-- **ought to pass, with an amendment substituting a new draft entitled "An Act establishing the paint stewardship program" (Senate, No. 2052).**

*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 establishing the Massachusetts paint stewardship program (Senate, No. 408) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2052) shall be placed in the Orders of the Day for a second reading on Wednesday, November 18, 2015.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 11:00 A.M., on Monday, November 16, 2015. All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2052), 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, November 18, 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 regulating notaries public to protect consumers and the validity and effectiveness of recorded instruments (Senate, No. 757),-- **ought to pass, with an amendment by striking out section 5 and inserting in place thereof the following section:-**

"SECTION 5. Section 11 of said chapter 222, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Persons serving in or with the armed forces of the commonwealth or other reserve component commands when conducting mobilization exercises and soldier readiness processing or the armed forces of the United States or their dependents, wherever located, may acknowledge any instrument in the manner and form required by law before a commissioned officer in the active service of the armed forces of the commonwealth or the United States with the rank of second lieutenant or higher in the army, air force or marine corps or ensign or higher in the navy or United States Coast Guard. Any such instrument shall contain a statement that the person executing the instrument is serving in or with the armed forces of the commonwealth or other reserve component command when conducting mobilization exercises and soldier readiness processing or the armed forces of the United States or is a dependent of any such person. No such instrument shall be rendered invalid by the failure to state in the instrument the place of execution or acknowledgment."; and

By striking out, in lines 115 and 116, inclusive, the words “, reside or have a regular place of work or business within the commonwealth and be a United States citizen or have permanent residency status in the United States” and inserting in place thereof the following words:- “and reside or have a regular place of work or business within the commonwealth”.

*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 regulating notaries public to protect consumers and the validity and effectiveness of recorded instruments (Senate, No. 757) (the committee on Ways and Means having recommended an amendment) shall be placed in the Orders of the Day for a second reading on Wednesday, November 18, 2015.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 11:00 A.M., on Monday, November 16, 2015. All such amendments shall be second-reading amendments to Senate, No. 757, 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, November 18, 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 for military leave for training purposes (Senate, No. 1019),-- **ought to pass, with an amendment substituting a new draft entitled “An Act supporting military leave” (Senate, No. 2053).**

*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 for military leave for training purposes (Senate, No. 1019) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2053) shall be placed in the Orders of the Day for a second reading on Wednesday, November 18, 2015.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 11:00 A.M., on Monday, November 16, 2015. All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2053), 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, November 18, 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 social media privacy protection (Senate, No. 2034),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2054)**

*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 social media privacy protection (Senate, No. 2034) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, (Senate, No. 2054) shall be placed in the Orders of the Day for a second reading on Wednesday, November 18, 2015.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 11:00 A.M., on Monday, November 16, 2015. All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2054), 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, November 18, for a second reading with the amendment pending.**

#### **PAPER FROM THE HOUSE.**

A petition (accompanied by bill, House, No. 3847) of James M. Murphy and James E. Timilty relative to healthcare premiums of certain retired public employees,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee Public Service.**

*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 twenty-four minutes before twelve o'clock noon, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.