

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, November 18, 2015.

Met at five minutes past eleven o'clock A.M.

The President, 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, several guests were recognized as follows:

The President handed the gavel to Mr. DiDomenico for the purpose of an introduction. Mr. DiDomenico then introduced, in the rear of the Chamber, the Everett High School Marching Band and their director Charley Poole. The band was accompanied by Gene O'Brien, the Everett High School Director of Music, Danielle Marine, the high school band's teacher and Eric Dauenhauer, the school's instrument teacher, Marie O'Brien, Patrick O'Brien and Carol O'Brien.

The Everett High School Marching Band then played a few songs and withdrew from the Chamber.

There being no objection, the President handed the gavel to Ms. Lovely for the purpose of an introduction. Ms. Lovely then introduced, in the rear of the Chamber, John, Nancy and Andrew Frates. Ms. Lovely recognized the Frates family for the tremendous work they have done to raise awareness and help find a cure for ALS. Their son and brother, Pete Frates, has truly been an inspiration. Pete is a stand out athlete from Beverly who went on to be the captain of the Boston College baseball team in 2007. In 2012, Pete was diagnosed with ALS and has been on a mission to change the world and fight for a cure ever since.

Pete helped start a revolution to raise funds for ALS research through the now famous ice bucket challenge. The campaign went viral and brought international attention. There are now 17 million videos posted of the ice bucket challenge. In just over 30 days in 2014, the ice bucket challenge raised more than \$100 million for the ALS association. That marked a 1,000% spike in donations to the organization. Since its inception, the ice bucket challenge has totaled more than \$220 million and counting.

The Senate welcomed them with applause and they withdrew from the Chamber.

Communications.

The following communications were severally received and placed on file:

Communication from the Honorable Thomas M. McGee and William M. Straus, co-chairmen of the Metropolitan Planning Organization (MPO) Special Commission (established under Section 30 of Chapter 79 of the Acts of 2014) informing both branches the commission members have agreed to extend their work on the commission for several additional months;
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, November 17, 2015 at fourteen minutes past two o'clock P.M.);
Communication from the North Central Correctional Institution submitting its annual DPH Audit of the North Central Correctional Institution plan of action (received November 16, 2015); and

Communication from the Department of Elementary and Secondary Education (pursuant to item 7061-0928 of Chapter 46 of the Acts of 2015) submitting its Financial Literacy Pilot Program report covering activities from March 2013 through June 2015 (received November 16, 2015).

Report.

Report of the Nantucket Regional Transit Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its FY15 Audited Statements and 1-33 Auditor's Report (received November 16, 2015),-- **was placed on file.**

Report of a Committee.

By Ms. Lovely, for the committee on State Administration and Regulatory Oversight, on petition (accompanied by bill Senate, No. 1706), a Bill concerning the conveyance of certain parcels of land in the City of Revere (Senate, No. 2056);

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

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3853) of Elizabeth A. Poirier and Richard J. Ross (by vote of the town) relative to the form of representative town government in the town of North Attleborough;

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 3851) of Christine P. Barber and others (with the approval of the mayor and board of aldermen) that the city of Somerville be authorized to impose municipal reviews on institutional master plans of certain institutional facilities;

To the committee on Municipalities and Regional Government.

Bills

Establishing a sick leave bank for Eric Burton, an employee of the Suffolk County Sheriff's Department (House, No. 3823,-- on petition); and

Establishing a sick leave bank for Jane Mihalich, an employee of the Department of Public Health (House, No. 3852,-- on House, No. 3820);

Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Bills

Exempting the fire department of the town of Westwood from civil service laws (House, No. 3198,-- on petition) [Local approval received]; and

Providing affordable housing property tax incentives in the town of Amherst (House, No. 3758,-- on petition) [Local approval received];

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

Notice was received from the Minority Leader of the House of Representatives announcing the appointment Brock N. Cordeiro (under Section 78 of Chapter 119 of the Acts of 2015) to the special commission to study pancreatic cancer.

Resolutions.

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

Resolutions (filed by Ms. Creem, Mr. Brownsberger, Ms. Chandler, Messrs. DiDomenico and Donnelly, Ms. Donoghue, Messrs. Downing, Eldridge and Fattman, Ms. Flanagan, Ms. Gobi, Messrs. Humason, Joyce, Keenan and Lesser, Ms. Lovely, Messrs. McGee, Montigny, Moore, Pacheco, Rodrigues, Ross and Rush, Ms. Spilka and Messrs. Tarr, Timilty, Welch and Wolf) "commemorating the celebration of Chanukah 2015."

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Carol Gulino, an employee of the Massachusetts Rehabilitation Commission (see House, No. 3591, amended), 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 3 to 0.**

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

An engrossed Bill relative to the safety and well-being of children in the custody of the Department of Children and Families (see House, No. 3836, amended), 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 3 to 0.**

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

A petition (accompanied by bill, House, No. 3863) of Steven Ultrino for legislation to establish a sick leave bank for Linda Vitt, an employee of the Trial Court,-- **was referred in concurrence, under suspension of Joint Rule 12, to the committee on the Judiciary.**

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 Anne M. Gobi, Donald R. Berthiaume, Jr., Todd M. Smola and Kimberly N. Ferguson for legislation relative to State Police Station C-3.

The rules were suspended, at the request of Mr. Timilty, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Safety and Homeland Security.

Sent to the House for concurrence.

Reports of a Committee.

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 House Bill relative to the Lance Corporal Andrew J. Zabierek Memorial Bridge in the town of Chelmsford (House, No. 2937)

There being no objection, the rules were suspended, at the request of Ms. Donoghue, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in 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 House Bill designating a certain bridge in the city of Boston as the P.F.C. Alvin Richard Gale Memorial Bridge (House, No. 3083).

There being no objection, the rules were suspended, on motion of Mr. Ross, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act designating a certain bridge in the city of Boston as the PFC Alvin Richard Gale Memorial Bridge."

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered, as follows:

The House Bill relative to the taking of property by eminent domain by the Medway Redevelopment Authority (House, No. 3361) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

Orders of the Day.

The Orders of the Day were considered, as follows:

There being no objection, the following matters were considered as one:

Bills

Relative to the town administrator in the town of Milton (Senate, No. 1987);

Establishing a department of public works in the town of Plainville (Senate, No. 2037);

Relative to an affordable housing trust in the town of Duxbury (House, No. 3325);

Relative to certain elections by the city council in the city of Lawrence (House, No. 3600);

Relative to members of the city council for the city of Lawrence (House, No. 3601);

Relative to the standing committee on housing for the city of Lawrence (House, No. 3602);

Relative to the school committee for the city of Lawrence (House, No. 3604);

Establishing a 3 member board of health in the town of Charlemont (House, No. 3635);

Authorizing the town of Natick to lease certain town-owned property (House, No. 3645);

Authorizing the town of Natick to lease certain town-owned property (House, No. 3646);

Authorizing the town of Orleans to lease a certain parcel of land (House, No. 3664);

Amending the charter of the town of Provincetown by adding additional alternative members on certain boards (House, No.

3682); and

Authorizing the town of Wayland to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 3722, amended).

Were severally read a second time and ordered to a third reading.

There being no objection, during consideration of the Orders of the Day, the following matters were considered, as follows:

PAPERS FROM THE HOUSE.

The Senate Bill further regulating the clearing of title to certain foreclosed properties (Senate, No. 2015),-- 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 text contained in House document numbered 3809; and by striking out the title and inserting in place thereof the following title: "An Act relative to clearing titles to foreclosed properties".

The rules were suspended, on motion of Mr. Brownsberger, and the House amendment was considered forthwith.

The same Senator moved that the Senate concur with the House amendment with a further amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2057.

After remarks, the further amendment was adopted.

The House amendment, as amended was then adopted.

Sent to the House for concurrence in the further amendment.

Engrossed Bills.

An engrossed Bill relative to the safety and well-being of children in the custody of the Department of Children and Families (see House, No. 3836, 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 re-enacted and signed by the President and again laid before the Governor for his approbation.

An engrossed Bill establishing a sick leave bank for Carol Gulino, an employee of the Massachusetts Rehabilitation Commission (see House, No. 3591, 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 President and laid before the Governor for his approbation.

Orders of the Day.

The Orders of the Day were further considered, as follows:

There being no objection, the following matter was taken out of order and considered as follows:

The House Bill relative to the trafficking of fentanyl (House, No. 3798),-- **was read a second time.**

The pending amendment, previously recommended by the committee on Ways and Means, striking out all after the enacting clause and inserting in place thereof the following text:-

"Section 32E of chapter 94C of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by adding the following subsection:-

(e) Any person who trafficks in fentanyl, by knowingly or intentionally manufacturing, distributing, dispensing or possessing with intent to manufacture, distribute or dispense or by bringing into the commonwealth a net weight of more than 10 grams of fentanyl shall be punished by a term of imprisonment in state prison for not more than 20 years.

For purposes of this subsection, 'fentanyl' shall include any derivative of fentanyl and any mixture containing more than 10 grams of fentanyl or a derivative of fentanyl."-- was considered, and it was adopted.

After remarks, the bill, as 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-nine minutes before twelve o'clock noon, on motion of Mr. Brownsberger, as follows, to wit (*yeas 39 — nays 0*) [**Yeas and Nays No. 199**]:

YEAS.

Barrett, Michael J.

Keenan, John F.

Brady, Michael D.

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
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.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Humason, Donald F., Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 39.
Joyce, Brian A.	

NAYS – 0.

The yeas and nays having been completed at twenty-five minutes before twelve o'clock noon, the bill was passed to be engrossed, in concurrence, with the amendment Sent to the House for concurrence in the amendment.

Recess.

At twelve 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 twenty-three minutes past one o'clock P.M., the Senate reassembled, the President in the Chair.

At twenty-three minutes past one o'clock P.M., Mr. Tarr doubted the presence of a quorum. The President 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-six minutes past one o'clock P.M., a quorum was declared present.

PAPER FROM THE HOUSE.

The Senate Bill providing for the establishment of a comprehensive adaptation management plan in response to climate change

(Senate, No. 1979),-- 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 text contained in House document numbered 3854, amended in section 9, in line 82, by striking out the figures "15" and inserting in place thereof the figures "20"; in section 11, in lines 122 to 126, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following two paragraphs:

(c) Any solar incentive program developed by the department under this section for implementation by distribution companies shall be submitted to the department of public utilities for review. The department of public utilities shall review the program and ensure that the program operates in a cost effective manner for continued solar development within 90 days of submission.

(d) Attributes, as defined by the department, of the solar photovoltaic facilities receiving incentives under this section shall be eligible for use by retail electric suppliers pursuant to their obligations under section 11F of chapter 25A.”; inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the continued support of solar power generation and a transition to a stable and equitable solar market at a reasonable cost to ratepayers, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”; and striking out the title and inserting in place thereof the following title: “An Act relative to solar energy”.

The rules were suspended, on motion of Mr. Downing, and the House amendment was considered forthwith.

The same Senator moved that that the Senate concur with the House amendment with a further amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2058.”.

After debate, the further amendment was adopted.

The House amendment, as amended was then adopted.

Sent to the House for concurrence in the further amendment.

Orders of the Day.

The Orders of the Day were further considered, as follows:

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

Ms. Chandler in the Chair, the Senate Bill to promote quality physical education (Senate, No. 1976),-- was read a second time.

Pending the question on adoption of the amendment previously recommended by the committee on Ways and Means substituting a new draft with the same title (Senate, No. 2047), and pending the main question on ordering the bill to a third reading, Ms.

Flanagan moved that the proposed new draft be amended by adding the following section:-

“SECTION XX. Section 53 of chapter 71 of the General Laws is hereby amended in its entirety to read as follows:-

Section 53. The School committee shall appoint school physicians; nurse practitioners and registered nurses with the DOE licensure, shall assign them to the public schools within its jurisdiction, shall provide them with all the proper facilities for the performance of their duties, and shall assign one or more physicians or nurse practitioners operating under the direction of the physician to the examination of children who apply for health certificates required by section eighty-seven of chapter one hundred forty-nine, but in cities where the medical inspection hereinafter prescribed is substantially provided by the board of health, said board shall appoint and assign the school physicians; nurse practitioners and registered nurses with DOE school nurse licensure, provided however that school districts must meet minimum staffing requirements of school physicians; nurse practitioners and registered nurses with DOE school nurse licensure established by the Department of Public Health and that each school with five hundred or more students shall be assigned at minimum one full-time physician, nurse practitioner or registered nurse with DOE school nurse licensure.”

The amendment was rejected.

Mr. Donnelly moved that the proposed new draft be amended in section 1 by inserting, after the word “school”, in line 10, the following words:- “by a licensed teacher”.

The amendment was rejected.

Mr. McGee moved that the proposed new draft be amended in section 2 by striking out, in line 18, the word “The” and inserting in place thereof the following words:- “Consistent with regulations promulgated under subsection (f) of section 223 of chapter 111 each school district that collects data for an assessment on the quality of physical education shall submit the assessment to the commissioner of elementary and secondary education. The”;

In section 2, by inserting after the word “offerings”, in line 23, the following words:- “and curriculum standards”;

By striking out, in line 24, the words “and (iii)” and inserting in place thereof the following words:- “; (iii) current licensure held by physical education teachers; (iv) equipment and facilities available for physical education; (v) substitutions, waivers and adaptations offered to students related to participation in physical education and (vi)”;

and In subsection (b) of section 2 by adding the following sentence:- “The commissioner of elementary and secondary education shall make the report publicly available by posting the report on the website of the department of elementary and secondary education website and shall also, to the extent feasible, make available a breakdown of its findings on a school district level to the public on the department’s website.”

After remarks, the amendment was adopted.

Ms. O'Connor Ives moved that the proposed new draft be amended in section 1, in subsection (b) by inserting after the words “to take part in” in line 14 the following: - “a” and after the words “physical education” in line 14 the following: - “course”.

After remarks, the amendment was adopted.

Subsequently, the President in the Chair, Mr. Tarr moved that the proposed new draft be amended by inserting after section 2 the following section:

“SECTION 2A. Notwithstanding the provisions of this act, nothing in this act shall impede, prohibit or prevent a student from participating in a junior reserve officers' training corps program during the school day.”

After remarks, the amendment was adopted.

After further remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at twenty-nine minutes past three o'clock P.M., on motion of Mr. McGee, as follows, to wit (*yeas 37 — nays 2*) [**Yeas and Nays No. 202**]:

YEAS.

Barrett, Michael J.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	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.
Eldridge, James B.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. — 37.
Keenan, John F.	

NAYS – 2.

Fattman, Ryan C.

Hedlund, Robert L. – 2.

**The yeas and nays having been completed at twenty-eight minutes before three o'clock P.M., the bill was passed to be engrossed. [For text, see Senate, No. 2061, printed as amended.]
Sent to the House for concurrence.**

Ms. Chandler in the Chair, the House Bill relative to grave markers to commemorate the grave of a veteran, police officer or firefighter (House, No. 1306, amended) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time

After remarks, the President in the Chair, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at nine minute past three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 39 — nays 0*) [**Yeas and Nays No. 200**]:

YEAS.

Barrett, Michael J.

Keenan, John F.

Brady, Michael D.

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

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.

Ross, Richard J.

Flanagan, Jennifer L.

Rush, Michael F.

Forry, Linda Dorcena

Spilka, Karen E.

Gobi, Anne M.

Tarr, Bruce E.

Hedlund, Robert L.

Timilty, James E.

Humason, Donald F., Jr.

Welch, James T.

Jehlen, Patricia D.

Wolf, Daniel A. — **39.**

Joyce, Brian A.

NAYS — 0.

The yeas and nays having been completed at thirteen minutes past three o'clock P.M., the bill was passed to be engrossed, in concurrence.

The House Bill providing further penalties for intentional loss or damage to a gravestone or other grave marker (House, No. 1600, amended) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time and passed to be engrossed, in concurrence.

The House Bill relative to the false representation of military status (House, No. 1306, amended),-- was read a third time After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at twenty-three minute past three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 39 — nays 0*) [**Yeas and Nays No. 201**]:

YEAS.

Barrett, Michael J.

Keenan, John F.

Brady, Michael D.

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

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.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Humason, Donald F., Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 39.
Joyce, Brian A.	

NAYS – 0.

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

Remarks of Senator Thomas M. McGee.

I'd like to take this opportunity to speak in memory of 35 year Chatham Police Sergeant Joseph Fennell, constituent of Senator Dan Wolf, Cape and Islands; brother of a very close friend and Lynn State Rep Bob Fennell, who died unexpectedly on Friday, October 30th.

Joe began his career as a Patrolman, and worked with the youth as a DARE officer in the Chatham public schools where he taught generations of youth about resisting peer pressure, avoiding drugs, and making safe life choices. He later became a domestic affairs officer before his retirement in 2009 at the rank of Sergeant.

He is remembered by family, friends and colleagues as fair-minded, having a big heart, and being community oriented. He was a true public servant in every sense of the word, and always put the needs of others before his own.

Sergeant Fennell is survived by his wife Lilly, his children Katie, Billy and the late Terri, 4 stepchildren and 4 grandchildren. He was also the brother of Inez Accursio and Representative Bob Fennell.

I ask that you join me in rising in a moment of silence in memory of Joseph D. Fennell.

At the President, the members, guests and staff stood in a moment of silence and reflection to the memory of Chatham Police Sergeant Joseph Fennell.

On motion of Mr. McGee, under the provisions of Senate Rule 6, the remarks were printed in the Journal of the Senate.

Orders of the Day.

The Orders of the Day were further considered, as follows:

The Senate Bill establishing the Massachusetts paint stewardship program (Senate, No. 408),-- was read a second time.

Pending the question on ordering the bill to a third reading, on motion of the Chair, further consideration of this matter was temporarily laid aside.

The Senate Bill relative to social media privacy protection (Senate, No. 2034),-- was read a second time.

After remarks and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means substituting a new draft with the same title (Senate, No. 2054), and pending the main question on ordering the bill to a third reading, Messrs. Moore, Tarr, Ross, deMacedo and Fattman moved to amend the proposed new draft in section 5, by striking out in line 195 the words "from requesting access to " and inserting in place thereof the following words:- "from requesting to be provided, within a reasonable period of time, access to"; and by inserting, in line 197, after the word "directives", the following words:- "prohibitions against the unauthorized transfer of an employer's proprietary information or other non-public financial information to a personal social media account by an employee".

After remarks, the amendment was adopted.

Mr. Donnelly moved that the proposed new draft be amended in section 5, by striking subsection (b), in lines 17-29, and replacing it with the following:-

“(b) An educational institution shall not:

- (i) require, request or cause a student or applicant to disclose a user name, password or other means for access, or provide access through a user name or password, to a personal social media account;
- (ii) compel a student or applicant, as a condition of acceptance or participation in curricular or extracurricular activities, to add a person, including but not limited to, a coach, teacher, school administrator or other school employee or school volunteer, to the student’s or applicant’s list of contacts associated with a personal social media account;
- (iii) require, request or cause a student or applicant to reproduce in any manner, photographs, videos, or information contained within a personal social media account; or
- (iv) take or threaten adverse action against a student or applicant, including but not limited to restraining the student’s participation in extracurricular activities, for refusing to disclose information specified in clause (i) or clause (iii) or for refusing to add a coach, teacher, school administrator or other school employee or school volunteer to a list of contacts associated with a personal social media account, as specified in clause (ii).”

In section 2, by striking subsection (b), in lines 71-83, and replacing it with the following:-

“(b) An educational institution shall not:

- (i) require, request or cause a student or applicant to disclose a user name, password or other means for access, or provide access through a user name or password, to a personal social media account;
- (ii) compel a student or applicant, as a condition of acceptance or participation in curricular or extracurricular activities, to add a person, including but not limited to, a coach, teacher, school administrator or other school employee or school volunteer, to the student’s or applicant’s list of contacts associated with a personal social media account;
- (iii) require, request or cause a student or applicant to reproduce in any manner, photographs, videos, or information contained within a personal social media account; or
- (iv) take or threaten adverse action against a student or applicant, including, but not limited to, restraining the student’s participation in extracurricular activities, for refusing to disclose information specified in clause (i) or clause (iii) or for refusing to add a coach, teacher, school administrator or other school employee or school volunteer to a list of contacts associated with a personal social media account, as specified in clause (ii).”;

In section 3, by striking subsection (b), in lines 123-135, and replacing it with the following:-

“(b) The University of Massachusetts shall not:

- (i) require, request or cause a student or applicant to disclose a user name, password or other means for access, or provide access through a user name or password, to a personal social media account;
- (ii) compel a student or applicant, as a condition of acceptance or participation in curricular or extracurricular activities, to add a person, including but not limited to, a coach, teacher, school administrator or other school employee or school volunteer, to the student’s or applicant’s list of contacts associated with a personal social media account;
- (iii) require, request or cause a student or applicant to reproduce in any manner, photographs, videos, or information contained within a personal social media account; or
- (iv) take or threaten adverse action against a student or applicant, including, but not limited to, restraining the student’s participation in extracurricular activities, for refusing to disclose information specified in clause (i) or clause (iii) or for refusing to add a coach, teacher, school administrator or other school employee or school volunteer to a list of contacts associated with a personal social media account, as specified in clause (ii).”; and

In section 5, by striking subsection (b), in lines 178-188, and replacing it with the following:-

“(b) An employer shall not:

- (i) require, request or cause an employee or applicant to disclose a user name, password or other means for access, or provide access through a user name or password, to a personal social media account;
- (ii) compel an employee or applicant, as a condition of employment or consideration for employment, to add a person, including but not limited to, the employer or an agent of the employer, to the employee’s or applicant’s list of contacts associated with a personal social media account;
- (iii) require, request or cause an employee or applicant to reproduce in any manner, photographs, videos, or information contained within a personal social media account; or
- (iv) take or threaten adverse action against an employee or applicant for refusing to disclose information specified in clause (i) or clause (iii) or for refusing to add the employer to a list of contacts associated with a personal social media account, as specified in clause (ii).”

After remarks, the amendment was adopted.

Mr. Donnelly moved that the proposed new draft be amended in section 5 by inserting at the end thereof the following:-

“(f) For purposes of this section, an intern, paid or unpaid, shall be considered as an employee.”

The amendment was adopted.

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

The bill (Senate, No. 2054, amended) was then ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at six minutes before four o’clock P.M., on motion of Ms. Creem, as follows, to wit (*yeas 39 — nays 0*) [**Yeas and Nays No. 203**]:

YEAS.

Barrett, Michael J.	Keenan, John F.
Brady, Michael D.	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
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.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Humason, Donald F., Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 39.
Joyce, Brian A.	

NAYS – 0.

The yeas and nays having been completed at three minutes before four o'clock P.M., the bill was passed to be engrossed. [For text, see Senate, No. 2063, printed as amended.] Sent to the House for concurrence.

The Senate Bill regulating notaries public to protect consumers and the validity and effectiveness of recorded instruments (Senate, No. 757),-- was a second time.

After remarks, and pending the main question on ordering the bill to a third reading, the pending amendment, previously recommended by the committee on Ways and Means, 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",-- was considered; and it was adopted.

Mr. Tarr moved that the bill be amended by striking in Section 6 lines 110-113 in its entirety.

The amendment was rejected.

Ms. Spilka moved that the bill be amended by inserting after the word "to", in line 316, the following words:- "a notary public and to"; and by inserting after the word "acts", in line 380, the following words:- "performed by the notary public".

The amendment was adopted.

The bill (Senate, No. 757, amended) was then ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at four minutes past four o'clock P.M., on motion of Ms. Creem, as follows, to wit (*yeas 39 — nays 0*) **[Yeas and Nays No. 204]:**

YEAS.

Barrett, Michael J.

Keenan, John F.

Brady, Michael D.

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

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.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Humason, Donald F., Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 39.
Joyce, Brian A.	

NAYS – 0.

The yeas and nays having been completed at seven minutes past four o'clock P.M., the bill was passed to be engrossed. [For text, see Senate, No. 2064, printed as amended.] Sent to the House for concurrence.

There being no objection, during consideration of the Orders of the Day, the following matters were considered, as follows:

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (all of which originated in the House), 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 President and laid before the Governor for his approbation, to wit:

Relative to the Lance Corporal Andrew J. Zabierek Memorial Bridge in the town of Chelmsford (see House, No. 2937); Designating a certain bridge in the city of Boston as the PFC Alvin Richard Gale Memorial Bridge (see House, No. 3083); and Relative to the taking of property by eminent domain by the Medway Redevelopment Authority (see House, No. 3361).

Engrossed Bill—Land Taking for Conservation Etc.

An engrossed Bill authorizing the town of Norton to use water supply and conservation land for public way purposes (see House, No. 3340, amended) (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; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eight minutes past four o'clock P.M., as follows, to wit (*yeas 39 - nays 0*) **[Yeas and Nays No. 205]:**

YEAS.

Barrett, Michael J.	Keenan, John F.
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Brady, Michael D.	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
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.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Humason, Donald F., Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 39.
Joyce, Brian A.	

NAYS – 0.

The yeas and nays having been completed at eleven minutes past four o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Remarks of Senator Anne M. Gobi.

Gordon Smith, former Barre resident, spent his youth in Billerica and was that town's first Eagle Scout recipient. A World War II veteran Gordon joined the Massachusetts environmental police then known as a natural resource officer. He served the

Commonwealth for 39 years retiring as a major. Gordon passed away on November 4th and is survived by his children Gordon, Paul and Patricia.

Robert Slattery, a lifelong resident of Ware, earned a bachelor's degree from Merrimack College where he excelled in football and earned a master's in education from American international College. Rob was a special education teacher at Ware High School, head football coach and the class advisor. Rob was dedicated to the youth of Ware coaching baseball, basketball and football. Rob passed away on November 8 after a three-year battle with sarcoma. Rob leaves his parents John and Mary his siblings Scott, Michael and Katie and their families and his wife Kelly and the children five-year-old Brayden and two-year-old McKayla.

At the President, the members, guests and staff stood in a moment of silence and reflection to the memory of Gordon Smith and Robert Slattery.

On motion of Mr. Humason, under the provisions of Senate Rule 6, the remarks were printed in the Journal of the Senate.

PAPERS FROM THE HOUSE

The Senate Bill providing for the establishment of a comprehensive adaptation management plan in response to climate change (Senate, No. 1979, amended),— came from the House with the endorsement that the House had NON-concurred in the further Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate, No. 2058), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Dempsey of Haverhill, Golden of Lowell and Jones of North Reading have been appointed the committee on the part of the House.

On motion of Mr. Petruccelli the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Downing, Pacheco and Tarr appointed on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Orders of the Day.

The Orders of the Day were further considered, as follows:

The House Bill relative to the removal of commemorative flag holders from the graves of veterans and certain police and fire personnel (House, No. 3173, amended) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at twenty-six minutes past four o'clock P.M., on motion of Mr. Rush, as follows, to wit (*yeas 39 — nays 0*) **[Yeas and Nays No. 206]:**

YEAS.

Barrett, Michael J.	Keenan, John F.
Brady, Michael D.	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
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.	Petruccelli, Anthony

Eldridge, James B.

Rodrigues, Michael J.

Fattman, Ryan C.

Ross, Richard J.

Flanagan, Jennifer L.

Rush, Michael F.

Forry, Linda Dorcena

Spilka, Karen E.

Gobi, Anne M.

Tarr, Bruce E.

Hedlund, Robert L.

Timilty, James E.

Humason, Donald F., Jr.

Welch, James T.

Jehlen, Patricia D.

Wolf, Daniel A. – 39.

Joyce, Brian A.

NAYS – 0.

The yeas and nays having been completed at a half past four o'clock P.M., the bill was passed to be engrossed, in concurrence.

The House Bill providing free access to certain parks and recreation areas to Purple Heart Recipients (House, No. 3243) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Keenan moved that the bill be amended by inserting the following new section.:-

“SECTION __. Section 6B of Chapter 115 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking the figure ‘\$2,000’ in lines 19, 28 and 35, and inserting in place thereof, in each instance, the figure ‘\$2,500’.”

The amendment was rejected.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at twenty-six minutes before five o'clock P.M., on motion of Mr. Rush, as follows, to wit (*yeas 39 — nays 0*) [**Yeas and Nays No. 207**]:

YEAS.

Barrett, Michael J.

Keenan, John F.

Brady, Michael D.

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

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.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Humason, Donald F., Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 39.
Joyce, Brian A.	

NAYS – 0.

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

The Senate Bill relative for military leave for training purposes (Senate, No. 1019),-- was read a second time and was amended, as previously recommended by the committee on Ways and Means substituting a new draft with the same title (Senate, No. 2053).

The bill (Senate, No. 2053) was then ordered to a third reading.

Recess.

At twenty-two minutes before five o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at four minutes before six o'clock P.M., the Senate reassembled, Mr. Wolf in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

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 House Bill authorizing the town of North Reading to convey certain property (House, No. 3819),-- was read a second time. Pending the question on ordering the bill to a third reading, Mr. Tarr moved that the bill be amended in section 1, by inserting after the word "contrary" the following words:- , but subject to paragraphs (a), (b) and (g) of said section 16 of said chapter 30B"; and by striking out section 2 and inserting in place thereof the following 3 sections:-

"SECTION 2. As a condition of the conveyance authorized in section 1, the town of North Reading shall transfer a parcel of land under the care, custody, management and control of the board of selectmen and dedicated for general municipal purposes to the conservation commission or parks department and such parcel shall be dedicated for conservation or park purposes. If no suitable

parcel is available to be transferred, the town shall acquire a parcel of land or a conservation restriction upon private or public land as defined in section 31 of chapter 184 of the General Laws. Such land shall be dedicated or restricted to conservation or park purposes under the jurisdiction of the conservation commission or parks department. The parcel dedicated pursuant to this section, shall be of equal or greater size and value for conservation or park purposes when compared to the parcel described in section 1.

SECTION 3. If the land conveyed pursuant to section 1 ceases to be used for the purposes described in said section 1, the land shall revert to the town of North Reading for conservation, water supply or public park purposes.

SECTION 4. This act shall take effect upon its passage.”

The amendment was adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed, 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 town of North Reading to convey certain park land”.

Sent to the House for concurrence in the amendment.

The House Bill authorizing the division of capital asset management and maintenance to lease a certain parcel of land in the town of Southborough (House, No. 3762) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Eldridge moved that the bill be amended in section 1, by striking out, in line 4, the word “shall” and inserting in place thereof the following word:- “may”; and

In said section 1, by striking out the last sentence and inserting in place thereof the following 2 sentences:- “The annual consideration shall be retained by the department of conservation and recreation in account number 2882-1441 and used by the department to offset payments under said section 5G of said chapter 59. The commissioner of capital asset management and maintenance shall place a notification in the central register of the lease and the amount of the transaction.”

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

There being no objection, during consideration of the Orders of the Day, the following matters were considered, as follows:

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (all of which originated in the House), 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 President and laid before the Governor for his approbation, to wit:

Relative to veterans' grave markers (see House, No. 1306, amended);

Providing further penalties for intentional loss or damage to a gravestone or other grave marker (see House, No. 1600, amended);

Relative to the false representation of military status (see House, No. 1641, amended); and

Relative to the trafficking of fentanyl (see House, No. 3798, amended).

Recess.

There being no objection, at two minutes before six o'clock P.M., The Chair (Mr. Wolf) declared a recess, subject to the call of the Chair; and, at eighteen minutes past seven o'clock P.M., the Senate reassembled, the President in the Chair.

Suspension of Senate Rule 38A.

Ms. Spilka moved that Senate Rule 38A be suspended to allow the Senate to meet beyond the hour of 8:00 P.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Engrossed Bills.

The following engrossed bills (all of which originated in the House), 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 President and laid before the Governor for his approbation, to wit:

Relative to the removal of commemorative flag holders from the graves of veterans and certain police and fire personnel (see House, No. 3173, amended); and

Providing free park access to Purple Heart Recipients (see House, No. 3243, amended).

Orders of the Day.

The Orders of the Day were further considered, as follows:

The Senate Bill establishing the Massachusetts paint stewardship program (Senate, No. 408),-- was again considered, the main question being on ordering the bill to a third reading.

Pending the question on adoption of the amendment, previously recommended by the committee on Ways and Means, substituting a new draft entitled “An Act establishing the paint stewardship program” (Senate, No. 2052) and pending the main question of ordering the bill to a third reading, Mr. Tarr moved that all pending amendments to this bill be printed in the calendar pursuant to the provisions of Senate Rule 31; and the motion was seconded by Mr. deMacedo.

Accordingly, the matter was laid over under the provisions of Senate Rule 31 until the next session.

The Senate Bill relative to healthy youth (Senate, No. 2048),-- was read a second time.

Pending the question on adoption of the amendment, previously recommended by the committee on Ways and Means,

substituting a new draft with the same title (Senate, No. 2048) and pending the main question on ordering the bill to a third reading, at twenty-two minutes past seven o'clock P.M., Mr. Tarr doubted the presence of a quorum. The President 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-three minutes past seven o'clock P.M., a quorum was declared present. After remarks, Mr. Tarr moved that the proposed new draft be amended by striking in line 31 the word "leading" and inserting in place thereof the following:-"generally accepted". After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-four minutes before eight o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 9 — nays 28*) **[Yeas and Nays No. 208]:**

YEAS.

deMacedo, Viriato M.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Hedlund, Robert L.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E. — 9.
Moore, Michael O.	

NAYS.

Barrett, Michael J.	Keenan, John F.
Brady, Michael D.	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.
DiDomenico, Sal N.	Montigny, Mark C.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Petrucelli, Anthony
Eldridge, James B.	Rodrigues, Michael J.
Gobi, Anne M.	Spilka, Karen E.

Jehlen, Patricia D.

Welch, James T.

Joyce, Brian A.

Wolf, Daniel A. — **28.**

ABSENT OR NOT VOTING.

Flanagan, Jennifer L.

Forry, Linda Dorcena — **2.**

The yeas and nays having been completed at nineteen minutes before eight o'clock P.M., the amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by inserting the following section:-

“SECTION 1A. The department of elementary and secondary education, in consultation with the advisory council for comprehensive health education and human service programs established under section 1G of chapter 15 of the General Laws, shall establish age-appropriate guidelines for child exploitation awareness education for students in grades 2 and above and may include, but shall not be limited to: (i) defining child exploitation; (ii) recognizing types of child exploitation and (iii) creating awareness of warning signs of child exploitation, child abduction and child sexual abuse.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at seventeen before eight o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 209**]:

YEAS.

Barrett, Michael J.

Lesser, Eric P.

Brady, Michael D.

Lewis, Jason M.

Brownsberger, William N.

L'Italien, Barbara A.

Chandler, Harriette L.

Lovely, Joan B.

Chang-Diaz, Sonia

McGee, Thomas M.

Creem, Cynthia Stone

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.

Eldridge, James B.

Ross, Richard J.

Fattman, Ryan C.

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. – **37.**

Keenan, John F.

NAYS – 0.

ABSENT OR NOT VOTING.

Flanagan, Jennifer L.

Forry, Linda Dorcena – **2.**

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

Mr. Tarr moved that the proposed new draft be amended by inserting in line 45 after the word "section" the following:-(d) Any entity contracted by a city, town, regional school district, vocational school district, or charter school to provide sexual health education and child exploitation education as shall have to be certified by the department and undergo yearly certification and training using digital means, and or in a classroom setting."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at eleven minutes before eight o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 9 — nays 28*) [**Yeas and Nays No. 210**]:

YEAS.

deMacedo, Viriato M.

Ross, Richard J.

Fattman, Ryan C.

Rush, Michael F.

Hedlund, Robert L.

Tarr, Bruce E.

Humason, Donald F., Jr.

Timilty, James E. – **9.**

Moore, Michael O.

NAYS.

Barrett, Michael J.

Keenan, John F.

Brady, Michael D.

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.
DiDomenico, Sal N.	Montigny, Mark C.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Petrucelli, Anthony
Eldridge, James B.	Rodrigues, Michael J.
Gobi, Anne M.	Spilka, Karen E.
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. – 28.

ABSENT OR NOT VOTING.

Flanagan, Jennifer L.	Forry, Linda Dorcena – 2.
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The yeas and nays having been completed at nine minutes before eight o'clock P.M., the amendment was *rejected*. Messrs. Tarr and Fattman move to amend the proposed new draft by inserting after line 23 the following:- “Any city, town or school district maintaining or implementing any curriculum, unit of study, school-sanctioned program or activity which involves sex education shall offer it only on an elective basis. Given 30 school days notice, prior review of said materials, and only after an affirmative vote of the school district as well as the questioning of teachers and administrators involved, will be extended to parents, guardians and/or their legal representatives. Written parent or guardian permission will be required for student participation. No public school teacher or employee who feels that such curriculum or activity violates his or her religious beliefs shall be required to participate in any way.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at nine minutes past eight o'clock P.M., on motion of Mr. Fattman, as follows, to wit (*yeas 9 — nays 29*) **[Yeas and Nays No. 211]:**

YEAS.

deMacedo, Viriato M.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Hedlund, Robert L.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E. – 9.

Moore, Michael O.

NAYS.

Barrett, Michael J.

Keenan, John F.

Brady, Michael D.

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.

DiDomenico, Sal N.

Montigny, Mark C.

Donnelly, Kenneth J.

O'Connor Ives, Kathleen

Donoghue, Eileen M.

Pacheco, Marc R.

Downing, Benjamin B.

Petrucelli, Anthony

Eldridge, James B.

Rodrigues, Michael J.

Forry, Linda Dorcena

Spilka, Karen E.

Gobi, Anne M.

Welch, James T.

Jehlen, Patricia D.

Wolf, Daniel A. – **29.**

Joyce, Brian A.

ABSENT OR NOT VOTING.

Flanagan, Jennifer L. – **1.**

The yeas and nays having been completed at twelve minutes past eight o'clock P.M., the amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by inserting in line 14 after the word "year" the words:-"provided that parents or guardians will have not less than 30 days notification prior to the start of such instruction."

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

Mr. Tarr moved that the proposed new draft be amended in subsection (b) of proposed section 32B of chapter 71 of the General Laws, by adding the following sentence:- "Sexual health education shall also include teaching considerations relevant to becoming a parent."

After remarks, the amendment was adopted.

The Ways and Means amendment was adopted, as amended.

Subsequently, the bill (Senate, No. 2048, amended) was then ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at sixteen minutes before nine o'clock P.M., on motion of Mr. DiDomenico, as follows, to wit (*yeas 32 — nays 6*) **[Yeas and Nays No. 212]:**

YEAS.

Barrett, Michael J.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	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.
Forry, Linda Dorcena	Ross, Richard J.
Gobi, Anne M.	Spilka, Karen E.
Jehlen, Patricia D.	Timilty, James E.
Joyce, Brian A.	Welch, James T.
Keenan, John F.	Wolf, Daniel A. — 32.

NAYS.

deMacedo, Viriato M.	Humason, Donald F., Jr.
Fattman, Ryan C.	Rush, Michael F.
Hedlund, Robert L.	Tarr, Bruce E. — 6.

ABSENT OR NOT VOTING.

Flanagan, Jennifer L. – 1.

**The yeas and nays having been completed at fourteen minutes before nine o'clock P.M., the bill was passed to be engrossed. [For text, see Senate, No. 2062, printed as amended.]
Sent to the House for concurrence.**

Remarks of Senators Daniel A Wolf and Viriato M. deMacedo.

It is with great sorrow that we recognize the passing of Attorney T. Richard (Rick) McIntosh. Rick worked as a civil legal aid attorney for 42 years at South Coastal Counties Legal Services, formerly known as Legal Services for Cape Cod & Islands.

Rick graduated from Columbia in 1970 and Boston University School of Law in 1973. He began his legal career as a VISTA attorney at Legal Services for Cape Cod & Islands, where he remained for his entire career. As a VISTA attorney, Rick was dedicated to fighting the War on Poverty and quickly became a well rounded advocate, acquiring expertise in housing, government benefits, elder, and juvenile matters.

Rick chose to use his legal skills to improve the lives of low income families. It is not an exaggeration to say that he helped thousands of Cape Cod families during the course of his legal career. He was a talented lawyer, a wonderful colleague and mentor to other attorneys and paralegals. Rick regularly has been characterized as smart, thoughtful, responsive, kind, and funny. Community groups actively sought his advice because of his sound judgment and thoughtful analysis of issues affecting low income communities.

During his career, he served on the Board of Directors of the Community Action Committee of Cape & Islands, on the Head Start Policy Council for Cape Cod Child Development, and on the Policy Advisory Board for Department of Transitional Assistance. Rick even served as acting director of LSCCI on two occasions: once near the end of the 1970's, and again in the mid-90s when he was co-director with his long time LSCCI colleague Tom Kosman. Rick would have said he much preferred representing clients.

In 1993, Rick received the Massachusetts Bar Association's Legal Services Award, after being nominated by the Barnstable County Bar Association. The award was given to Rick to acknowledge the significant contribution to civil legal aid and to indigent clients he already had made during his career. Rick was an expert in unemployment law and litigated many cases in that area before the Appeals Court and Supreme Judicial Court. Following the economic downturn in 2008, Rick worked tirelessly to address the demand for services presented by clients in need. He also was an expert in the field of government benefits, Veteran's benefits in particular. He served as faculty on many MCLE programs throughout his career.

Rick was a leader, not just at South Coastal Counties Legal Services, but in the Massachusetts legal aid community. His commitment to ensuring that low income families had access to quality legal representation was unwavering. For 42 years Rick provided access to justice for low income families living on Cape Cod. He was a wonderful colleague and a talented advocate. He will be missed terribly. Rick is survived by his wife of 45 years, Deborah McIntosh of Falmouth, and his two sons, Andrew and Daniel.

At the President, the members, guests and staff stood in a moment of silence and reflection to the memory of T. Richard (Rick) McIntosh.

On motion of Mr. Pacheco, under the provisions of Senate Rule 6, the remarks were printed in the Journal of the Senate.

PAPER FROM THE HOUSE.

The House Bill establishing a State Workforce Development Board (House, No. 3772),-- with the endorsement that the House had concurred in the Senate amendments, with a further amendment striking out all after the enacting clause and inserting in place thereof the following:—

SECTION 1. Section 45 of chapter 23G of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 60, the word "investment" and inserting in place thereof the following word:- development.

SECTION 2. Section 1 of chapter 23H of the General Laws, as so appearing, is hereby amended by striking out, in line 12, the word "investment" and inserting in place thereof the following word:- development.

SECTION 3. Chapter 23H of the General Laws is hereby amended by striking out section 7 , as appearing in the 2014 Official Edition, and inserting in place thereof the following section:-

Section 7. (a) There shall be in the department, but not subject to the jurisdiction thereof, a state workforce development board, hereinafter called the board.

(b) The board shall consist of the governor or a designee; 1 member of the senate to be appointed by the senate president; 1 member of the house of representatives to be appointed by the speaker of the house; the secretary of the executive office of labor and workforce development or a designee; the secretary of the executive office of housing and economic development or a designee; the secretary of the executive office of health and human services or a designee; the secretary of the executive office of education or a designee; and 17 persons to be appointed by the governor who shall represent business and industry, who: (i) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority; (ii) represent businesses, including small businesses, or organizations representing businesses that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development for in-demand industry sectors or occupations in the commonwealth; and (iii) have been nominated for appointment by commonwealth business organizations and business trade associations; 7 of whom shall be representatives of the workforce within the commonwealth, which shall include 2 representatives of labor organizations, 1 of whom shall have been nominated by commonwealth labor federations and 1 of whom shall be a representative of the National Association of Government Employees; 1 representative who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program; and 4 representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals facing barriers to employment, or experience and expertise in addressing the employment, training, or education needs of youth, including representatives of organizations that serve out-of-school youth; and 2 chief elected officials from designated local workforce development areas as defined by the federal Workforce Innovation and Opportunity Act of 2014, Public Law 113-128.

(c) No person shall serve as a member for more than 1 category of the board.

(d) The members of the board shall represent diverse geographic areas of the commonwealth, including urban, rural and suburban areas.

(e) The members shall each serve 2-year terms at the pleasure of the governor and shall serve without compensation.

(f) The governor shall select an individual to chair the board from among the members representing business and industry. The chair shall serve at the pleasure of the governor.

(g) The board shall adopt by-laws to govern its proceedings and shall carry out the responsibilities required of it under the federal Workforce Innovation and Opportunity Act of 2014. The board shall provide assessments and recommendations to the governor, the workforce skills cabinet, local workforce boards, and other entities as needed regarding the effectiveness of the public workforce development system in the commonwealth, shall assist in measuring the effectiveness of this system and in pursuing its continuous improvement, and shall generally assist in meeting the regional workforce needs of the commonwealth. The board shall seek to promote innovative and performance driven models for workforce development and shall seek to maximize the effectiveness of the local workforce boards.

(h) The administrative staff of the board shall be supervised by and shall report to the director of the department of career services. The board may contract with said department for personnel services and other operating needs. The department of career services may promulgate and carry out operational policies for the benefit of board without requiring express board approval. Notwithstanding any law or special act to the contrary, other departments, agencies, divisions, commissions, boards and bureaus of the commonwealth are authorized to provide such information and support as the board may from time to time require in the course of carrying out its responsibilities.

SECTION 4. Section 10 of said chapter 23H, as so appearing, is hereby amended by striking out, in lines 1, 5, 6, 24, 25 and 30, the word "investment" and inserting in place thereof, in each instance, the following word:- development.

SECTION 5. Section 11 of said chapter 23H, as so appearing, is hereby amended by striking out, in line 100, the word "investment" and inserting in place thereof the following word:- development.

SECTION 6. Section 2SSS of chapter 29 of the General Laws, as so appearing, is hereby amended by striking out, in line 9, the word "investment" and inserting in place thereof the following word:- development.

SECTION 7. Section 9 of chapter 419 of the acts of 2008 is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) There shall be an education and training collaborative to develop, in conjunction with the Taunton Development Corporation, the regional education, training and skills alliance center. The education collaborative shall be managed by a board of directors which shall consist of: the presidents of Bridgewater State University, the Massachusetts Maritime Academy, Massasoit Community College, Cape Cod Community College, Bristol Community College, Wheaton College, the Massachusetts Federation of Teachers, the Massachusetts Teachers Association, the Massachusetts AFL-CIO, the Taunton Area Chamber of Commerce, Inc. or their designees; the chancellor of the University of Massachusetts at Dartmouth; the commissioner of developmental services or a designee; and the executive director of the Southeastern Regional Planning & Economic Development District or a designee. The board may, by majority vote, increase its membership to include the presidents of other institutions of higher education, the superintendents of comprehensive high schools and regional vocational technical schools housing their main campuses in southeastern Massachusetts or their designees; and the board may, by majority vote, increase its membership to include private sector industry partners; provided, however, that the number of private sector industry board members shall not represent more than 49 per cent of the board. The board, by majority vote, may form an advisory committee. Members of the board may vote according to the terms of the education collaborative agreement but the land and property management of the center shall be the responsibility of the Taunton Development Corporation.

SECTION 8. Said section 9 of said chapter 419 is hereby further amended by striking out subsection (i) and inserting in place the following subsection :-

(i) The education collaborative shall be considered a public entity and may sue and be sued to the same extent as a city, town or

regional school district. The education collaborative, acting through its board of directors, may enter into contracts for the purchase of supplies, materials and services including, but not limited to, services of a nonprofit to assist with the powers and duties of the board as prescribed in the written agreement under subsection (b) and for the purchase or leasing of land, buildings and equipment as considered necessary by the board. For the purposes of this act, members of the nonprofit, whether created or contracted with as prescribed in the written agreement under subsection (b), shall not be **considered state employees.**".

The rules were suspended, on motion of Mr. Wolf, and the House amendment was considered forthwith.

Ms. Chang-Díaz moved that the Senate concur with the House amendment with a still further amendment, by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2059.

The still further amendment was adopted.

The further House amendment, as amended, was then adopted.

Sent to the House for concurrence in the still further amendment.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Wednesday next at eleven o'clock A.M., in a full formal session with a calendar.

Moment of Silence.

At the President, the members, guests and staff stood in a moment of silence and reflection to the memory of Sheila M. Doherty.

Adjourn In Memory of Sheila M. Doherty

The Senator from Essex and Middlesex, Ms. L'Italien, moved that when the Senate adjourns today, it adjourn in memory of Sheila M. Doherty.

Sheila M. Doherty was beloved by all those who knew her. Andover lost a truly remarkable woman on October 4th of this year when Sheila Doherty passed away. Sheila Doherty, was born in Lawrence, graduated St. Mary's High School with the class of 1939 and went on to receive an associate's degree in business from the McIntosh School of Business. Sheila is a second generation Irish American that became a successful business woman. She raised a family of five children in Andover with her late husband James D. Doherty while still maintaining an active presence in the community and working as a successful businesswoman.

Sheila is survived by and will be dearly missed by her children, Mary M. Doherty of Whitefield, N.H., Sheila M. Doherty (Jr.) of Andover, Joanne Doherty Dee and her husband, Donald of Andover, James D. Doherty, Jr. and his wife, Mary Beth of Andover, Frances M. Doherty of North Andover; her grandchildren, Matthew J. Doherty of Ann Arbor, Mich., Caitlin K. Doherty of Charlestown, Massachusetts, and Tripp Doherty of Andover; as well as many relatives and dear friends. Her Daughter, Sheila Doherty serves as Andover's Town Moderator, as did her late husband. and her We are so thankful to have known Sheila Doherty and want to honor her passing and celebrate her life.

Accordingly, as a mark of respect in memory of Sheila M. Doherty, at seven minutes before nine o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.