

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.

Monday, November 23, 2015.

Met at two minutes past eleven o'clock A.M. (Ms. Lovely 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 (Ms. Lovely), members, guests and staff then recited the pledge of allegiance to the flag.

Communications.

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

Communication from the Honorable Stanley C. Rosenberg, President of the Senate, announcing the appointments (pursuant to Chapter 259 of the Acts of 2014) of Senator James B. Eldridge and Julia Blatt to the Water Infrastructure Advisory Commission; Communication from the Office of the Comptroller (under the provisions of Section 2E of Chapter 46 of the Acts of 2015) submitting the Fiscal Year 2016 transfer schedule for the Executive Office for Health and Human Services and Executive Office of Education (received November 17, 2015);

Communication from the Office of the Comptroller (under the provisions of Section 4 of Chapter 359 of the Acts of 2014) submitting its November, 2015 Certification of MBA Dedicated Sales Tax Revenues of the Fiscal Year Ending June 30, 2016 (received November 17, 2015); and

Communication from the Office of the Comptroller (under the provisions of Section 53A of Chapter 119 of the Acts of 2015) submitting its Consolidated Net Surplus transfer for FY2015 (received November 17, 2015).

Reports.

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

Report of the Office of Child Advocate (under the provisions of the General Appropriations Act of Fiscal Year 2015, line item 0411-1005 and Outside Section 219) submitting its Management Review of the Department of Children and Families (received November 20, 2015); and

Report of the Department of Public Health (under the provisions of Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspections of Bristol County Modular Building, North Dartmouth; Dartmouth Women's Center, North Dartmouth; Massachusetts Treatment Center, Bridgewater; Dartmouth I.C.E. Facility, North Dartmouth and Bristol County Jail and House of Correction, North Dartmouth (received November 20, 2015).

Reports of Committees.

By Ms. O'Connor Ives, for the committee on Community Development and Small Business, on petition, a Bill relative to smart growth housing trust fund (Senate, No. 109);

By the same Senator, for the same committee, on Senate No. 1070 and House No. 144, a Bill relative to Community Benefit Districts (Senate, No. 2065);

By Mr. Wolf, for the committee on Labor and Workforce Development, on Senate No. 1001 and House Nos. 1704 and 1747, a Bill relative to the pooling of tips (Senate, No. 1001, changed by striking out section 3"); and

By the same Senator, for the same committee, on Senate No. 1024 and House No. 1773, a Bill to establish a living wage for

employees of big box retail stores and fast food chains (Senate, No. 1024) (Representative McKenna of Webster and Representative Orral of Lakeville dissenting);

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

By Mr. Wolf, for the committee on Labor and Workforce Development, on petition, a Bill authorizing municipal increases in minimum wages (Senate, No. 1022);

Read and, under Senate Rule 26, referred to the committee on Rules.

PAPERS FROM THE HOUSE.

Bills

Exempting certain positions in the Marlborough school department from the civil service law (House, No. 3377, amended,-- on petition) [Local approval received]; and

Authorizing the city of Salem to convert certain licenses for the sale of wine and malt beverages to be drunk on the premises to licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3739,-- on petition) [Local approval received];

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

A report of the committee on Financial Services asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 809) of Antonio F. D. Cabral and others for legislation to provide for paid family leave within a new temporary disability insurance program;-- **and recommending that the same be referred to the committee on Labor and Workforce Development,-- was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

A report of the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 726) of James R. Miceli relative to industrial wastewater discharge of dental facilities,-- and recommending that the same be referred to the committee on House Ways and Means,-- was considered forthwith, under Senate Rule 36, and was accepted, in concurrence, as relates to the discharge of the joint committee.

Resolutions.

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

Resolutions (filed by Mr. Fattman, Ms. Flanagan and Messrs. Moore, Rush and Joyce) “commending the vital contributions of small business to local communities and the Commonwealth”; and

Resolutions (filed by Ms. O’Connor Ives) “commending the Retailers Association of Massachusetts, Inc. on the occasion of Small business Saturday.”

Communication.

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS MASSACHUSETTS SENATE OFFICE OF THE PRESIDENT

November 23, 2015

William F. Welch
Clerk of the Senate
Office of the Clerk of the Senate
24 Beacon Street
Massachusetts State House, Room 335
Boston, MA 02133

Dear Mr. Welch,

I am writing to inform you of the appointment of Senator Michael D. Brady to the Special Senate Committee on Opioid Addiction Prevention, Treatment and Recovery Options.

Additionally, the following members are appointed to the Special Senate Committee on Marijuana:

Michael O. Moore, Vice Chair
Harriette L. Chandler
Kenneth J. Donnelly

Linda Dorcena Forry
John F. Keenan
Michael J. Rodrigues
James T. Welch
Viriato M. deMacedo
Richard J. Ross

Thank you for your attention to this matter.

Sincerely,
STANLEY C. ROSENBERG
President of the Massachusetts Senate

On motion of Mr. Ross, the above communication was ordered printed in the Journal of the Senate.

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered, as follows:
The House Bill providing affordable housing property tax incentives in the town of Amherst (House, No. 3758),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill establishing a 3-member board of health in the town of Charlemont (House, No. 3635) (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 amending the charter of the town of Provincetown by adding additional alternate members on certain boards (House, No. 3682),-- **was read a third time and passed to be engrossed, in concurrence.**

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill designating certain lands in the town of Adams for conservation and public recreational purposes (Senate, No. 1631),-- **ought to pass.**

**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.
Sent to the House for concurrence.**

PAPERS FROM THE HOUSE.

The Senate Bill authorizing the town of Wareham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 1931, amended),-- **came from the House passed to be engrossed, in concurrence with an amendment in line 3, by inserting after the word "to" the third time it appears the words "Glen Cove Hotel, LLC for". The rules were suspended, on motion of Mr. Ross and the House amendment was considered forthwith and adopted, in concurrence.**

Engrossed Bills.

The following engrossed bills (both 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 Acting President (Ms. Lovely) and laid before the Governor for his approbation, to wit:

Exempting from the civil service law the positions of patrolman, sergeant and lieutenant in the police department of the town of Maynard (see House, No. 3331, amended); and

Designating a certain bridge in the town of Hudson as the Captain Seth R. Michaud Memorial Bridge (see House, No. 3592).

Recess.

There being no objection, at twenty-seven minutes past eleven o'clock A.M., The Chair (Ms. Lovely) declared a recess, subject to the call of the Chair; and, at six minutes before twelve o'clock noon, the Senate reassembled, Ms. Lovely in the Chair.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill establishing a State Workforce Development Board (see House, No. 3772, 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 2 to 0.

The bill was signed by Acting President (Ms. Lovely), and sent to the House for enactment. Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch. The Senate then passed the bill to be enacted; and it was signed by the Acting President (Ms. Lovely) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Ross,--

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

Moment of Silence.

At the request of the Chair (Ms. Lovely), the members, guests and staff stood in a moment of silence and reflection to the memory of Ezra Schwartz of Sharon

Adjourn In Memory of Ezra Schwartz

The Senator from Bristol and Norfolk, Mr. Timilty, the Senator from Middlesex and Norfolk, Ms. Creem, and the Senator from Norfolk, Bristol and Plymouth, Mr. Joyce, moved that when the Senate adjourns today, it adjourn in memory of Ezra Schwartz of Sharon.

Ezra was killed Thursday, November 19th, during a terrorist attack in Gush Etzion in the West Bank, while delivering food to Israeli soldiers.

A Sharon native, Ezra was a 2015 graduate of the Maimonedes Day School in Brookline, spending a gap year studying at Yeshivat Ashreinu in Beit Shemesh, Israel.

He is survived by his parents, four siblings, and extended family.

Accordingly, as a mark of respect in memory of Ezra Schwartz, at seven minutes past twelve o'clock noon, on motion of Mr. Ross, the Senate adjourned to meet again on Wednesday next at eleven o'clock A.M.