

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 25, 2015.

Met at two minutes past eleven o'clock A.M. (Mr. Donnelly 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. Donnelly), 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 Richard J. Ross, in compliance with Massachusetts General Laws Chapter 268A (received in the Office of the Clerk of the Senate on Tuesday, November 24, 2015, at a half past three o'clock P.M.); and
Communication from the Massachusetts District Attorneys Association (under the provisions of item 0340-0203 of Chapter 46 of the Acts of 2015) submitting its report for the Drug Diversion & Education Fund (received November 23, 2015).

Report.

Report of the Worcester Regional Transit Authority (under the provisions of Chapter 161B of the General Laws) submitting its Independent Auditors' Report for the year ended June 30, 2015 (received November 23, 2015),-- was placed on file.

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Joyce, a petition (accompanied by bill, Senate, No. 2072) of Brian A. Joyce and Michelle M. DuBois for legislation to authorize the town of West Bridgewater to grant 2 additional license for the sale of alcoholic beverages [Local approval received];

Under Senate Rule 20, to the committee on Consumer Protection and Professional Licensure.

By Ms. Gobi, a petition (accompanied by bill, Senate, No. 2066) of Anne M. Gobi and Donald R. Berthiaume, Jr. (by vote of the town) for legislation to authorize the appointment of a superintendent of streets in the town of Hardwick [Local approval received]; and

By Ms. Gobi, a petition (accompanied by bill, Senate, No. 2068) of Anne M. Gobi, Peter J. Durant and Paul K. Frost (by vote of the town) to authorize the town of Charlton to impose municipal liens for certain outstanding water bills [Local approval received];

Severally under Senate Rule 20, to the committee on Municipalities and Regional Government.

By Ms. Gobi, a petition (accompanied by bill, Senate, No. 2067) of Anne M. Gobi, Peter J. Durant and Paul K. Frost (by vote of the town) to authorize the town of Charlton to impose an additional excise tax on gasoline and diesel fuel;

**Under Senate Rule 20, to the committee on Revenue.
Severally sent to the House for concurrence.**

By Mr. DiDomenico, a petition (accompanied by bill) (subject to Joint Rule 12) of Sal N. DiDomenico, Michael J. Barrett, Thomas M. McGee, Jason M. Lewis and other members of the Senate for legislation relative to fair wages,-- and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Ms. Gobi, for the committee Environment, Natural Resources and Agriculture, on petition, a Bill relative to the Charles River water quality commission (Senate, No. 420);

Read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.

By Mr. Lewis, for the committee on Public Health (accompanied by bill, Senate, No. 1155), a Bill regulating central service technicians (Senate, No. 2070);

Referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Ms. Gobi, for the committee Environment, Natural Resources and Agriculture, on petition, a Bill relative to sustainable water conservation practices (Senate, No. 437);

By the same Senator, for the same committee (accompanied by bill, Senate, No. 446), a Bill enhancing the enforcement of illegal hunting practices (Senate, No. 2069);

By Mr. Timilty, for the committee on Public Service, on petition, a Bill relative to corrections officers injured in the line of duty (Senate, No. 1409);

By the same Senator, for the same committee, on petition, a Bill relative to the contraction of MRSA by public safety personnel (Senate, No. 1434); and

By Mr. Lesser, for the committee on Tourism, Arts and Cultural Development, on petition, a Bill relative to tourism collaboration (Senate, No. 1804);

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

By Mr. McGee, for the committee on Transportation, on petition, a Bill designating a certain bridge in the town of Webster as the Webster/Dudley Public Safety Memorial Bridge (Senate, No. 2036);

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

By Mr. Timilty, for the committee on Public Service, on petition, a Bill relative to the provision of group health insurance benefits in the town of Athol (Senate, No. 1967) [Local approval received];

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

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3864) of Stephen L. DiNatale and Jennifer L. Flanagan (with the approval of the mayor and city council) that the city of Fitchburg be authorized to use the new image cast vote tabulators at the special state primary to fill the vacancy in the office of state representative;

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 3865) of Donald R. Berthiaume, Jr. (by vote of the town) that the town of Hardwick be authorized to appoint a superintendent of streets for said town; and

Petition (accompanied by bill, House, No. 3866) of Dennis A. Rosa and Jennifer L. Flanagan (with the approval of the mayor and city council) that the city of Leominster be authorized to pay a certain unpaid bill;

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3868) of Chris Walsh, Karen Spilka and others (by vote of the town) that the town of Framingham be authorized to assess fines for failure to relocate or remove utility poles and wires;

To the committee on Telecommunications, Utilities and Energy.

A Bill establishing a sick leave bank for Jamie Johnson, an employee of the Department of Mental Health (House No. 3843,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill exempting Albert P. Manzi, III from the maximum age requirement for applying for civil service appointment as a police officer in the town of North Andover (House, No. 2272,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:- Resolutions (filed by Mr. Hedlund) "congratulating Patrick Giles Whamond of the town of Hingham on his elevation to the rank of Eagle Scout"; and Resolutions (filed by Mr. Pacheco) "congratulating Richard and Emily Pacheco on their sixty-fifth wedding anniversary."

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 exempting the fire department of the town of Westwood from civil service laws (House, No. 3198),-- **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 exempting all positions in the fire department of the town of Westwood from civil service laws."**

The House Bill 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),-- **was read a third time.** Pending the question on passing the bill to be engrossed, Mr. Ross moved that the bill be amended in section 1, in subsection (b), by adding the following sentence:- "The licensing authority shall only approve a transfer of a license under this section to a new applicant if the applicant files a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all taxes, fees and contributions have been paid."; and In said section 1, in subsection (c), by striking out the words "if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid; provided, however, that the licensing authority shall not issue a license to a new applicant pursuant to this subsection for a period of 3 years from the date of original issuance".

The amendment was adopted.

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

PAPERS FROM THE HOUSE.

The Senate Bill exempting the position of deputy fire chief in the town of Shrewsbury from the civil service law (Senate, No. 1929),-- came from the House passed to be engrossed, in concurrence with an amendment striking out section 2 and inserting in place thereof the following two section:

"SECTION 2. Section 1 shall not impair the civil service status of any person serving in the position of deputy fire chief in the town of Shrewsbury on the effective date of this act.

SECTION 3. This act shall take effect upon its passage."

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

The House Bill authorizing the town of Stoughton to grant 6 licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3695),-- came from the House with the endorsement that the House had concurred in the Senate amendment with a further amendment striking out all after the enacting clause and inserting in place thereof the following:- "SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Stoughton may grant 6 additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to establishments located within the town's central business district, as that district is defined by the town's zoning map, as it existed as of May 1, 2014, upon approval of and under conditions set by the licensing authority of the town. The licenses shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority shall not approve the transfer of any license granted pursuant to this act to any location outside of the central business district, but it may grant the license to a new applicant at a location within the central business district provided that the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(c) If a license granted pursuant to this act is cancelled, revoked or no longer in use, the license shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority of the town of Stoughton and the licensing authority may then grant the license to a new applicant at a location within the central business district under the same conditions as specified in this act.

SECTION 2. This act shall take effect upon its passage."

The rules were suspended, on motion of Mr. Tarr. Mr. Joyce presented a motion that the Senate concur in the further House amendment with a still further amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2071.

The motion was accepted; and the Senate concurred in the further House amendment with a still further amendment. Sent to the House for concurrence in the still further amendment.

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 3873) of Daniel M. Donahue for legislation to establish a sick leave bank for Alimatu Lamptey, an employee of the Department of Mental Health; and

Petition (accompanied by bill, House, No. 3874) of Angelo M. Scaccia for legislation to establish a sick leave bank for Nicole Medina, an employee of the Department of Public Health;

Severally, under suspension of Joint Rule 12, to the committee on Public Service.

Engrossed Bills.

The following engrossed bills (the first of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Donnelly) and laid before the Governor for his approbation, to wit:

Authorizing the town of Wareham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 1931, amended);

Establishing a 3-member Board of Health in the town of Charlemont (see House, No. 3635);

Amending the charter of the town of Provincetown by adding additional alternate members on certain boards (see House, No. 3682); and

Providing affordable housing property tax incentives in the town of Amherst (see House, No. 3758).

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 thirteen minutes past eleven o'clock A.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.