

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**MONDAY, NOVEMBER 21, 2016.**

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## JOURNAL OF THE SENATE.

Monday, November 21, 2016.

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

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

Pledge of allegiance.

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### *Resolutions.*

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

Resolutions (filed by Mr. Barrett) "honoring the memory of Arthur H. Nelson on the renaming of the Winter Street Bridge in the city of Waltham as the Arthur H. Nelson Memorial Bridge"; and

Arthur H. Nelson.

Resolutions (filed by Ms. O'Connor-Ives, Mr. deMacedo, Ms. L'Italien, Messrs. Rodrigues, Rush and Tarr, Ms. Chandler, Mr. DiDomenico, Ms. Donoghue, Mr. Fattman, Ms. Gobi, Messrs. Keenan, Lesser and Lewis, Ms. Lovely and Messrs. Moore, O'Connor and Pacheco) "commending the Retailers Association of Massachusetts, Inc. on the occasion of Small Business Saturday".

The Retailers  
Association of  
Massachusetts, Inc.

### *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 Senate Bill designating the commission on postpartum depression as the Ellen Story Commission on Postpartum Depression (Senate, No. 2458) (its title having been changed by the committee on Bills in the Third Reading),--was read a third time.

Ellen Story  
Commission,--  
postpartum  
depression.

### *Remarks of Joan B. Lovely.*

As we are all aware, Representative Ellen Story is finishing her 12<sup>th</sup> term as State Representative from the 3<sup>rd</sup> Hampshire District comprised of the towns of Amherst, Pelham and precinct 1 of Granby.

In 2010, she spearheaded the legislation, An Act relative to Postpartum Depression, that brought PPD to the attention of state legislators and policy makers and created the Special Legislative Commission on Postpartum Depression, which she has chaired since its inception.

Her efforts have made many PPD initiatives possible, such as:

- Department of Public Health regulations on screening
- MassHealth reimbursement for screening
- The first and second Annual Postpartum Depression Awareness Days; and
- The fruition and continued funding of the MCPAP for Moms and PPD pilot programs, which have brought screening and supports to mothers and families on an unprecedented state-wide level.

It has been an honor and a privilege to work with this talented and dedicated

public servant in the State Legislature and as her co-chair on the PPD Commission.

So in her honor, I filed S.2458, "An Act relative to the Ellen Story Commission on Postpartum Depression" in order to officially change the name of the Postpartum Depression Commission to the "Ellen Story Commission on Postpartum Depression."

I share this honor with the entire legislature to commemorate her passion, dedication and hard work. Thank you Mr. President for the opportunity to share a few words about this wonderful legislator.

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

**The bill was then passed to be engrossed.**

**Sent to the House for concurrence.**

The Senate Bill relative to the town charter of Abington (Senate, No. 2496),-- was read.

Abington,-- town charter.

Pending the question on ordering the bill to a third reading, Mr. Keenan presented an amendment striking out, in line 851, the words 'incapacity, other than temporary illness,'.

**The amendment was adopted.**

**The bill (Senate, No. 2496, amended) was then ordered to a third reading, read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

The House Bill providing for nondiscrimination in access to organ transplantation (House, No. 4332, 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.**

Organ transplantation.

*Reports 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 Ryan C. Fattman and Kevin J. Kuros for legislation to establish a sick leave bank for Gary Kellenberger, an employee of the Department of Mental Health;

Gary Kellenberger,-- sick leave.  
SD2707

**The rules were suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.**

By the same Senator, for the same committees, that Joint Rule 12 be suspended on the Senate petition of Ryan C. Fattman and Kevin J. Kuros for legislation to establish a sick leave bank for Paula Daggett, an employee of the Department of Correction;

Paula Daggett,-- sick leave.  
SD2730

**The rules were suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.**

By the same Senator, for the same committees, that Joint Rule 12 be suspended on the Senate petition of Ryan C. Fattman for legislation to establish a sick leave bank for Audrey Graham Smith, an employee of the Executive Office of Health and Human Services.

Audrey Graham Smith,-- sick leave.  
SD2739

**The rules were suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bills) was referred to the committee on Public Service.**

**Severally sent to the House for concurrence.**

*Petition.*

On motion of Mr. Tarr, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Eric P. Lesser and Denise Provost (accompanied by resolutions) for the adoption of resolutions calling on Congress to abolish the Electoral College and allow for the direct election of the President and Vice President by the popular vote of all citizens of the United States,-- **and the same was referred to the committee on Election Laws.**

**Sent to the House for concurrence.**

Electoral College,--  
abolish.  
SD2748

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4733) of Louis L. Kafka and James E. Timilty for legislation to authorize the Massachusetts Water Resources Authority to provide sewer services to a certain parcel of land in the town of Stoughton;

Stoughton,-- land.

**Under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.**

Petition (accompanied by bill, House, No. 4734) of Antonio F. D. Cabral, Mark C. Montigny and others relative to benefit payments by the New Bedford Police Association;

New Bedford Police  
Association..

Petition (accompanied by bill, House, No. 4735) of Paul R. Heroux for legislation to establish a sick leave bank for Enise Pierre, an employee of the Department of Public Health; and

Enise Pierre,-- sick  
leave.

Petition (accompanied by bill, House, No. 4736) of Aaron Michlewitz for legislation to establish a sick leave bank for Dek Lee, an employee of the Executive Office of Health and Human Services;

Dek Lee,-- sick  
leave.

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

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A Bill exempting the position of deputy superintendent of police in the city of Lowell from the civil service law (House, No. 4714,-- on petition) {Local approval received],-- was read.

Lowell,-- deputy  
superintendent of  
police.

**There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and ordered to a third reading.**

*Emergency Preambles Adopted*

An engrossed Bill eliminating sub-precinct 9A in the town of Andover (see Senate, No. 2368, 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.

Andover,-- sub-  
precinct 9A.

**The bill was signed by the Acting President (Mr. Boncore) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Rhodaja Shubrick, an employee of the Department of Transitional Assistance (see House, No. 4642), having been certified by the Senate Clerk to be rightly and truly prepared for final

Rhodaja Shubrick,--  
sick leave.

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 the Acting President (Mr. Boncore) and sent to the House for enactment.**

*Engrossed Bills.*

The following engrossed bills (the first three 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 enacted and were signed by the Acting President (Mr. Boncore) and laid before the Governor for his approbation, to wit:

Relative to the membership of the conservation commission of the town of Sturbridge (see Senate, No. 2355);

Bills laid before the Governor.

Eliminating sub-precinct 9A in the town of Andover (see Senate, No. 2368, amended);

Establishing a commission on malnutrition prevention among older adults (see Senate, No. 2499, amended);

Exempting the position of police chief in the town of Orange from the civil service law (see House, No. 4025);

Relative to municipal elections in the city of Somerville (see House, No. 4175); and

Establishing a sick leave bank for Rhodaja Shubrick, an employee of the Department of Transitional Assistance (see House, No. 4642).

*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., and that the Clerk be directed to dispense with the printing of a calendar.

Time of meeting.

On motion of the same Senator, at twenty-five minutes past eleven o'clock A.M., the Senate adjourned to meet again on Wednesday next at eleven o'clock A.M.