

NOTICE: While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, January 14, 2016.

Met at eleven 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 (Mr. Donnelly), members, guests and staff recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, the Chair (Mr. Donnelly) introduced in the rear of the Chamber, students from Holy Cross. They were accompanied by Anne Ziaja who was taking them on a tour of the State House. The Senate welcomed them with applause and they withdrew from the Chamber. They were also guests of Representative Linsky.

Communications.

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

Communication from the Honorable Bruce E. Tarr, Senate Minority Leader, announcing his appointment (pursuant to Section 69 of Chapter 3 of the General Laws) of Ms. Margo Chevers of Wales to the Commission on the Status of Grandparents Raising Grandchildren;

Communication from the Department of Correction submitting a plan of correction for the inspection conducted at Bridgewater State Hospital on October 20-21, 2015 (received January 11, 2016); and

Communication from the Department of Public Health relative to a plan of correction for NCCI Gardner (received January 13, 2016).

Reports.

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

Report of the Berkshire District Attorney's Office (pursuant to Section 99R of Chapter 272 of the General Laws) submitting its annual report of wiretap interceptions for the 2015 calendar year (received January 13, 2016);

Report of the Commission on the Status of Grandparents Raising Grandchildren (pursuant to Section 69(h) of Chapter 3 of the General Laws) submitting its seventh annual report (received January 11, 2016);

Report of MassDevelopment (pursuant to Section 46(m) of Chapter 23G of the General Laws) submitting its annual report of the Transformative Development Fund Collaborative Workspace Program (copies having been forwarded as required to the Senate Committee on Ways and Means and the Joint Committees on Economic Development and Emerging Technologies and Labor and Workforce Development) (received January 11, 2016);

Report of the Hampden District Attorney's Office (pursuant to Section 99R of Chapter 272 of the General Laws) submitting its annual report of wiretap interceptions for the 2015 calendar year (received January 12, 2016);

Report of the Department of Youth Services (pursuant to Section 22 of Chapter 120 of the General Laws) submitting its annual report for calendar year 2014 (received January 12, 2016);

Report of the Massachusetts District Attorneys Association (pursuant to item 0340-2100 of Chapter 46 of the Acts of 2015) submitting its data from the District Attorneys relative to their criminal prosecutions and workloads for fiscal year 2015 (received January 13, 2016); and

Reports of the Department of Public Health (pursuant to Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspection of the following correctional facilities:

MCI Cedar Junction

Pondville Correctional Center

Old Colony Correctional Center

Old Colony Correctional Center Kitchen Core Services

MCI Shirley (received January 13, 2016).

Petitions.

Petitions were severally presented and referred, as follows:

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 2091) of Marc R. Pacheco, Thomas J. Calter, Susan Williams Gifford and Keiko M. Orrall (by vote of the town) for legislation to authorize the town of Middleborough to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises [Local approval received];

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

By the same Senator, a petition (accompanied by bill, Senate, No. 2090) of Marc R. Pacheco, Susan Williams Gifford, Keiko M. Orrall and Thomas J. Calter (by vote of the town) for legislation to authorize the town of Middleborough to exchange certain parcels of conservation land [Local approval received];

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

Severally sent to the House for concurrence.

By Mr. Ross, a petition (subject to Joint Rule 12) of Richard J. Ross and Shawn Dooley for legislation to designate a certain intersection in the town of Plainville as the Special Police Officer Michael O. Maher Memorial Intersection;

Under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of a Committee.

By Ms. Flanagan, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill to assess the impact of the public welfare system on the health and well-being of children (Senate, No. 91); and

By the same Senator, for the same committee, on petition, a Bill ensuring healthcare coverage for youth who have aged-out of the Department of Children and Families (Senate, No. 102);

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

By Ms. Flanagan, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill creating a special commission on behavior modification (Senate, No. 79); and

By the same Senator, for the same committee, on petition, a Bill establishing a commission on the status of children and youth (Senate, No. 88);

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

By Ms. Flanagan, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill to bring child support home (Senate, No. 65);

By the same Senator, for the same committee, on petition, a Bill establishing the healthy incentives program (Senate, No. 69);

By the same Senator, for the same committee, on petition, a Bill promoting financial stability and asset development (Senate, No. 70);

By the same Senator, for the same committee, on petition, a Bill relative to the protection of persons with a disability (Senate, No. 81);

By the same Senator, for the same committee, on petition, a Bill to increase the Commonwealth's compliance with federal law meeting requirements of the Americans with Disabilities Act (Senate, No. 86);

By the same Senator, for the same committee, on petition, a Bill to keep siblings together (Senate, No. 104); and

By Ms. Forry, for the committee on Housing, on petition, a Bill relative to manufactured housing communities (Senate, No. 715);

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

By Ms. Forry, for the committee on Housing, on petition, a Bill relative to compliance of condominium associations (Senate, No. 723);

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

PAPER FROM THE HOUSE.

A Bill designating a certain basketball court in the city of Boston as the Richard “Jazz” Maffie memorial basketball court (House, No. 2760,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Bills

Authorizing the town of Sheffield to appoint certain members to the conservation commission (House, No. 3749,-- on petition) [Local approval received]; and

Relative to certain bonds issued by the town of Hull (House, No. 3855,-- on petition) [Local approval received];

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

Message from His Excellency the Governor (pursuant to Section 152 of Chapter 127 of the General Laws) submitting a report of the exercise of the pardoning power by the Governor, with the advice and consent of the Council from January 1, 2015 to December 31, 2015 (House, No. 3941),-- **was read for the information of the Senate and returned to the House to be placed on file.**

Communication.

The Clerk read the following communication:

Commonwealth of Massachusetts
MASSACHUSETTS SENATE

January 13, 2016

The Honorable Senator Stanley C. Rosenberg
State House, Room 332
Boston, Massachusetts 02133

Dear Mr. President,

I hereby irrevocably resign from my position as State Senator for the First Suffolk and Middlesex District as of 11:59 p.m. on January 21, 2016.

On a personal note, it has been a pleasure to work with you and your team. Thank you, Mr. President, for your friendship, and for entrusting me with the opportunity to serve as part of your leadership team as Senate Majority Whip.

It has been an honor and privilege to have served the residents of the First Suffolk and Middlesex District and to work with so many talented individuals in the Massachusetts Legislature. I wish you and the entire Senate body the best of luck in the remainder of the session and in all future endeavors.

Sincerely,
ANTHONY PETRUCELLI
State Senator

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

Report of a Committee.

By Mr. Timilty, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Tina Jennings, an employee of the Department of Developmental Services (Senate, No. 2095).

The bill was read. There being no objection, the rules were suspended, on motion of Mr. Brownsberger, 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.

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 relative to the appointment of assistant city clerks in the city of Gardner (Senate, No. 2002),-- **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.

The House Bill authorizing the town of Norfolk to continue the employment of fire chief Coleman Bushnell (House, No. 3196, amended),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Norfolk to continue the employment of police chief Charles H. Stone, Jr. (House, No. 3197, amended),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Maynard to grant 6 additional licenses for the sale of all alcoholic beverages to be drunk on the premises and 1 additional license for the sale of wines and malt beverages not to be drunk on the premises (House, No. 3371, amended),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Eldridge presented an amendment in section 1, in subsection (c), by adding the following words:- “ ; provided, however, that a transfer of a license granted pursuant to this act shall only be granted to a new applicant if the new 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”; and

In said section 1, in subsection (d), 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”.

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.

Reports of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Jennifer Fitzgibbon, an employee of the trial court (House, No. 3902),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Petruccelli, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Elizabeth Missett Browning, an employee of the Trial Court (House, No. 3913),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Petruccelli, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill regulating the processing of lobsters (Senate, No. 469),-- **ought to pass.**

Referred, under Senate Rule 26, to the committee on Rules.

Subsequently, Mr. Montigny, for the said committee, reported that the matter be placed in the Orders of the Day for Thursday, January 21, 2016, for a second reading.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to 2030 and 2040 emissions benchmarks (Senate, No. 458),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2092).**

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill relative to 2030 and 2040 emissions benchmarks (Senate, No. 458) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2092) shall be placed in the Orders of the Day for a second reading on Thursday, January 21, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 2:00 P.M., on Tuesday, January 19, 2016. All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2092), but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

Under the rules, referred to the committee on Rules.

Subsequently, Mr. Montigny, for the said committee, reported, recommending that the order ought to be adopted.

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

The bill (Senate, No. 458) was placed in the Orders of the Day for Thursday, January 21, 2016, with the Ways and Means new draft (Senate, No. 2092) pending.

Report 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 Senate Bill to prohibit the use of mobile telephones while operating a motor vehicle (Senate, No. 2032) (the committee on Rules recommending that the bill be amended by substituting a new draft with the same title, Senate, No. 2093).

Order Adopted.

Mr. McGee offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill to prohibit the use of mobile telephones while operating a motor vehicle (Senate, No. 2032) (the committee on Rules having recommended substituting a new draft, Senate, No. 2093) shall be placed in the Orders of the Day for a second reading on Thursday, January 21, 2016.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 2:00 P.M., on Tuesday, January 19, 2016. All such amendments shall be second-reading amendments. All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2093), but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

Under the rules, referred to the committee on Rules.

Subsequently, Mr. Montigny, for the said committee, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

The bill (Senate, No. 2032) was placed in the Orders of the Day for Thursday, January 21, 2016, with the Rules new draft (Senate, No. 2093) pending.

PAPERS FROM THE HOUSE.

The Senate Bill relative to motor vehicle license suspension (Senate, No. 2021),-- came from the House passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting after section 4 the following section:-
SECTION 4A. Chapter 90 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting the following new section:-

22 ½ The registrar shall suspend, without hearing, the license or right to operate of a person who is convicted of a violation of paragraphs (b) (c) or (d) of section 32E of chapter ninety-four C or adjudged a delinquent child by reason of having violated paragraphs (b) (c) or (d) of section 32E of chapter ninety-four C; provided, however, that the period of such suspension shall not exceed five years; and provided further, however, that such person may after the completion of any time served apply for and shall be granted a hearing before the registrar for the purpose of requesting the issuance of a new license for employment or educational purposes or any other hardship purpose for the balance of any such license suspension. The registrar, at his or her discretion, may issue such license under such terms or conditions as he may prescribe.”; striking sections 5, 6 and 7 and inserting in place thereof, the following sections:

“Section 5. Sections 2 and 4 shall take effect July 1, 2016.”; and by inserting before the enacting clause, the following emergency preamble:

“Whereas, The deferred operation of the act would tend to defeat its purpose, which is to provide forthwith for the prohibition of automatic license suspensions for non-vehicle-related drug offenses, therefor it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

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

Ms. Chandler presented a motion that the Senate concur with the House amendment with a further amendment, by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2094.

After remarks, on motion of Mr. Tarr, the question on concurring in the House amendment with a further amendment (Chandler) was determined by a standing vote; subsequently, by a vote of 2 to 1 the Senate concurred in the House amendment with the further amendment.

Sent to the House for concurrence in the further amendment.

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

Petition (accompanied by bill, House, No. 3945) of Kay Khan and others relative to persons under the age of 22 with special needs;

Under suspension of Joint Rule 12, to the committee on Children, Families and Persons with Disabilities.

Petition (accompanied by bill, House, No. 3938) of Garrett J. Bradley relative to relief from liabilities on joint tax returns;

Under suspension of Joint Rule 12, to the committee on Revenue.

Initiative petition of Jerald N. Fishbein and others for the passage of An Act the Massachusetts fair health care pricing act (House, No. 3931),-- **came from the House, having been referred to the committee on Financial Services.**

The Senate NON-concurred in the reference to the committee on Financial Services.

Mr. Welch presented a motion that the initiative petition be referred to the committee on the Health Care Financing; and this motion prevailed.

Sent to the House for its action.

Engrossed Bills.

The following engrossed bills (the first two 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 Dalton to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see Senate, No. 1927, amended);

Authorizing the town of Mount Washington to establish, own and operate broadband infrastructure and services and to issue bonds or notes therefor (see Senate, No. 1978); and

Extending a certain property tax exemption for seniors in the town of Sudbury (see House, No. 3890).

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Tuesday 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 (Mr. Donnelly), the members, guests and staff stood in a moment of silence and reflection to the memory of Peter A. Todd .

Adjournment in Memory of Peter A. Todd.

The Senator from Essex and Middlesex, Mr. Tarr moved that when the Senate adjourns today, it adjourn in memory of Peter A. Todd who passed away December 15, 2015, at the age of 72, after a lengthy battle with cancer.

Mr. Todd was born in Gloucester on January 10, 1943. He attended public school in Gloucester and spent his youth shining shoes on Main Street in Gloucester.

Mr. Todd worked at Gloucester City Hall for 18 years as a custodian before retiring. After this time, he enlisted in the Merchant Marines. Using the skill and knowledge he learned while serving, Mr. Todd established Pete's Janitorial Service which he owned and operated for many years. His company garnered a strong reputation for his quality of work and attention to detail.

In August of 2014, Mr. Todd was named the Poet Laureate of the City of Gloucester. He drew inspiration for his poems from the city, its history, and its bustling waterfront. Many of more recent poems demonstrated his personal connections to religion and faith. Since 1976, he has written over 500 poems.

Beyond his poetry and service to his city, Mr. Todd was involved in a number of fraternal organizations. He was a member of the Ancient Free and Accepted Masons and a Past Master of the Tyrian, Ashler, Acacia and Charles C. Dame Lodges. He was also a member of the Lawrence United Lodge and awarded the Joseph Warren Distinguished Service Medal by the Grand Lodge of Massachusetts for his steadfast dedication to the organization. Mr. Todd and his wife, Barbara, were formerly members of Martha Washington Chapter #21 Order of the Eastern Star, and served for some time as its Worthy Matron and Worthy Patron.

Mr. Todd is survived by his wife with whom he celebrated 40 years of marriage on July 5, 2015. He is also survived by his daughter Jenice C. Sawyer and her husband Everett of Gloucester, his twelve siblings, his granddaughter Ashley Dennis of New Hampshire, and his beloved great grandchildren Nathaniel J. Mosher and Daniel B. Mosher.

Accordingly, as a mark of respect to the memory of Peter A. Todd, at twenty-five minutes before twelve o'clock noon, on motion of Mr. Petrucci, the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.