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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, April 30, 2015.

Met at two minutes past one o'clock P.M. (Mr. Pacheco in the Chair).

Distinguished Guest.

There being no objection, the Chair (Ms. Jehlen) handed the gavel to Mr. Humason for the purpose of an introduction. Mr. Humason then introduced, in the rear of the Chamber, long-time friend Jaime Hyatt from Holyoke. Jaime was visiting the State House after a business meeting in Boston. The Senate welcomed him with applause and he withdrew from the Chamber.

Communications.

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

Communications from the Department of Public Health relative to Plans of Correction for the following correctional facilities: Massachusetts Alcohol and Substance Abuse Center
Norfolk County House of Correction
Dedham Alternative Center (received April 27, 2015); and

Communication from the Office of the Comptroller (pursuant to item 1599-2040 of Section 2B of Chapter 165 of the Acts of 2014) submitting this third quarter report on Prior Year Deficiencies (received April 24, 2015).

Reports.

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

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: Bridgewater State Hospital
MCI Norfolk (received April 27, 2015); and

Report of the Office of the Child Advocate submitted by the Ripples Group (pursuant to item 1599-7771 of Chapter 165 of the Acts of 2014) submitting a third quarterly progress report assessing the administrative hearing process of the Office of the Child Advocate (received April 30, 2015)

Petitions.

The Senate petition (accompanied by bill, Senate, No. 1916) of Mr. Joseph Toolan for legislation to establish the Culture & Company Investment Corporation Law "CCIC's Law" (having been timely filed prior to 5:00 P.M., on Friday, January 16, 2015 in the Office of the Clerk of the Senate, and having been transmitted to the Secretary of the Commonwealth under the provisions

of Section 5 of Chapter 3 of the General Laws and having been returned by the Secretary of the Commonwealth with memorandum relative thereto),-- was referred, under Senate Rule 20, to the committee on Tourism, Arts and Cultural Development.

Sent to the House for concurrence.

Petitions were severally presented and referred as follows:

By Mr. Humason, a petition (accompanied by bill, Senate, No. 1920) of Donald F. Humason, Jr. and John C. Velis (with the approval of the mayor and city council) for legislation relative to the authorization of the city of Westfield Retirement Board to grant a superannuation retirement benefit [Local approval received];

Under Senate Rule 20, to the committee on Public Service.

Sent to the House for concurrence.

By Mr. Kennedy, a petition (accompanied by bill) (subject to Joint Rule 12) of Thomas P. Kennedy and Michael D. Brady for legislation to clarify the headlight law as a non-surchageable offense for insurance purposes; and

By Mr. Petrucci, a petition (accompanied by bill) (subject to Joint Rule 12) of Anthony W. Petrucci for legislation to revitalize the Commonwealth's waterfronts;

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

Reports of Committees on Proposals for Legislative Amendments to the Constitution.

By Mr. Kennedy, for the committee on Election Laws, on the petition (accompanied by proposal, Senate, No. 51) of James B. Eldridge, Jason M. Lewis, Paul R. Heroux and Denise Provost for a legislative amendment to the Constitution to establish an independent redistricting commission,-- **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 51), ought NOT to pass;**

By the same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 52) of James B. Eldridge, Jason M. Lewis, Paul R. Heroux, Benjamin Swan and others for a legislative amendment to the Constitution relative to the removal of restrictions on absentee ballots,-- **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 52), ought NOT to pass;**

By the same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 53) of Kenneth J. Donnelly, Chris Walsh, Benjamin B. Downing, Jason M. Lewis and other members of the General Court for a legislative amendment to the Constitution relative to corporate rights and political spending,-- **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 53), ought NOT to pass;**

By the same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 567) of Bradley H. Jones, Jr. and others for a legislative amendment to the Constitution relative to creating an independent redistricting commission,-- **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 567), ought NOT to pass;**

By the same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 573) of Jay R. Kaufman and James M. Cantwell for a legislative amendment to the Constitution relative to vacancies in the office of Governor or Lieutenant-Governor,-- **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 573), ought NOT to pass; and**

By the same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 588) of David M. Nangle and Alice Hanlon Peisch for a legislative amendment to the Constitution relative to voting by qualified voters of the Commonwealth who are also poll workers,-- **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 588), ought NOT to pass;**

By Mr. Brownsberger, for the committee on the Judiciary, on the petition (accompanied by proposal, Senate, No. 54) of Vincent Lawrence Dixon for a legislative amendment to the Constitution for term renewal process,-- **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 54), ought NOT to pass;**

By the same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 55) of Richard J. Ross for a legislative amendment to the Constitution to prohibit eminent domain,-- **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 55), ought NOT to pass (Senators Jehlen and Ross dissenting);**

By the same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 56) Bruce E. Tarr for a legislative amendment to the Constitution relative to the reform of the Executive Council,-- **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 56), ought NOT to pass (Senator Ross dissenting);**

By the same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 57) of Cynthia S. Creem, Jason M. Lewis and James B. Eldridge for a legislative amendment to the Constitution relative to the subject matter of initiative petitions,-- **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 57), ought NOT to pass (Senators Brownsberger, Keenan, Chang-Diaz, Creem and Jehlen dissenting);**

By the same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 933) of David M. Rogers,

Paul W. Mark and others for a legislative amendment to the Constitution to declare rights afforded to the human inhabitants of the Commonwealth are not applicable to corporations, limited liability companies or any other corporate entities,-- **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 933), ought NOT to pass (Senators Creem and Jehlen and Representative Day of Stoneham dissenting);**

By the same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 1343) of Thomas A. Golden, Jr. and David M. Nangle for a legislative amendment to the Constitution relative to term limits for judges,-- **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 1343), ought NOT to pass;**

By the same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 1400) of Bradley H. Jones, Jr. and others for a legislative amendment to the Constitution relative to prohibiting eminent domain takings,-- **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 1400), ought NOT to pass;**

By the same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 1570) of Byron Rushing and others for a legislative amendment to the Constitution relative to the subject matter of initiative petitions,-- **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 1570), ought NOT to pass (Senators Chang-Diaz and Creem dissenting); and**

By the same Senator, for the same committee, on the petition (accompanied proposal, House, No. 1609) of Ellen Story for a legislative amendment to the Constitution relative to the retirement of judges,-- **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No.1609), ought NOT to pass; and**

By Ms. Lovely, for the committee on State Administration and Regulatory Oversight, on the petition (accompanied by proposal, Senate, No. 61) of Bruce E. Tarr, Leonard Mirra, Viriato M. deMacedo, Donald F. Humason, Jr. and others for a legislative amendment to the Constitution to require a supermajority vote for the utilization of rainy day funds,-- **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 61), ought NOT to pass (Senator Tarr and Representatives Gordon of Bedford and Dubois of Brockton dissenting); The reports were severally read and placed on file, in accordance with the requirements of said rule.**

Under the provisions of Joint Rule 23, the following proposals were placed on file, the time within which the said committees were required to report having expired:

Of the committee on the Election Laws, ought NOT to pass (under Joint Rule 23):

On the petition (accompanied by proposal, House, No. 3350) of David M. Rogers and others for a legislative amendment to the Constitution relative to the right to vote for certain incarcerated felons; and

Of the committee on the Revenue, ought NOT to pass (under Joint Rule 23):

On the petition (accompanied by proposal, Senate, No. 58) of James B. Eldridge, Peter V. Kocot, Jason M. Lewis, Sonia Chang-Diaz and other members of the General Court for a legislative amendment to the Constitution relative to creating a progressive income tax;

On the petition (accompanied by proposal, Senate, No. 59) of Michael J. Barrett, Timothy J. Toomey, Jr., Chris Walsh, David M. Rogers and other members of the General Court for a legislative amendment to the Constitution providing for a graduated income tax;

On the petition (accompanied by proposal, Senate, No. 60) of Jason M. Lewis, Ellen Story, Ruth B. Balsler, Tricia Farley-Bouvier and other members of the General Court for a legislative amendment to the Constitution relative to income tax; and

On the petition (accompanied by proposal, House, No. 2529) of Jonathan Hecht and others for a legislative amendment to the Constitution to allow for a graduated income tax.

There being no objection, at three minutes past one o'clock P.M., the Chair (Mr. Pacheco) declared a recess subject to the call of the Chair; and, at twenty-three before two o'clock P.M., the Senate reassembled, the President in the Chair.

The Senator from Essex and Middlesex, Mr. Tarr, then led the President, members, guests and staff in the recitation of the pledge of allegiance to the flag.

Resolutions.

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

Resolutions (filed by Ms. Chandler and Mr. Moore) "commemorating the Torah Trek from Temple Emanuel to Temple Emanuel Sinai";

Resolutions (filed by Ms. Donoghue, Mr. Rosenberg, Ms. Chandler, Messrs. Humason and Moore, Mrs. L'Italien, Messrs. Lessor, Eldridge and Ross, Ms. Spilka, Ms. Creem, Ms. Lovely and Ms. O'Connor-Ives) "supporting the Massachusetts-Israeli Economic Partnership as Israel celebrates Yom Ha'atzmaut or Israeli Independence Day";

Resolutions (filed by Mr. Eldridge) "congratulating Roland L. Plante on his retirement after 55 years of dedicated service to the

town of Hudson”;
Resolutions (filed by Mr. Hedlund) “congratulating Chief Michael Peraino on his retirement from the Hingham Police Department”;
Resolutions (filed by Messrs. Kennedy and Joyce) “recognizing Dale Julius on Frank Harlow Day for his service to the town of East Bridgewater”;
Resolutions (filed by Mr. Pacheco) “congratulating Justin Joseph Cadima of the town of Dighton on his elevation to the rank of Eagle Scout”;
Resolutions (filed by Mr. Pacheco) “congratulating Kristopher Henry Munroe of the town of Dighton on his elevation to the rank of Eagle Scout”;
Resolutions (filed by Mr. Pacheco) “congratulating Thomas Elliott Munroe of the town of Dighton on his elevation to the rank of Eagle Scout”; and
Resolutions (filed by Mr. Timilty) “commending Jon W. Rockwood on 11 years of dedicated service to the town of Walpole.”

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Marlo Carter, an employee of the Department of Correction (see Senate, No. 42, 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 23 to 0. The bill was signed by the President and sent to the House for enactment.**

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 President and laid before the Governor for his approbation, to wit:

Exempting the police department in the town of Burlington from the civil service law (see House, No. 3188, changed and amended); and
Authorizing the city of Revere to pay a certain sum of money to Cynthia A. Penta (Adreani) (see House, No. 3206).

National Anthems.

The President introduced Tutti Druyan, a graduate of Berklee College of Music, who sang both the United States and Israeli National Anthems.

Prayer.

The following prayer was offered by Rabbi Michelle Robinson of Temple Emanuel in Newton:

God, Source of Life, Maker of Peace, today as we celebrate the partnership between our Commonwealth of Massachusetts and the State of Israel by recognizing and honoring Israel’s Independence Day together, may we be blessed to fulfill always the prayer of the Psalmist (psalm 122),

יְרַחֵם יְהוָה אֶת אֶרֶץ יִשְׂרָאֵל ... For my brothers and friends... I reach out and offer “Peace to you!”

As we reach out to each other as brothers, as sisters, and friends – as we reach across the aisle and across the world – may we find ourselves blessed to create goodness and peace.

And may we see realized in our time the blessing of the Psalmist:

יְרַחֵם יְהוָה אֶת אֶרֶץ יִשְׂרָאֵל, שְׁלוֹמָהּ, Pray for the peace of Jerusalem... May all who support her prosper!

The President then recognized Senator Donohue who read Resolutions supporting the Massachusetts-Israeli Economic Partnership as Israel celebrates Yom Ha’atzmaut or Israeli Independence Day.

Distinguished Guest.

The President appointed Senators Chandler, Creem, Donoghue and O’Connor Ives to escort to the rostrum Yehuda Yaakov, the Consul General of Israel to New England.

Ms. Chandler in the Chair, then introduced Yehuda Yaakov, the Consul General of Israel to New England. Mr. Yaakov has been a member of Israel’s Foreign Service since 1989, previously serving outside of Israel in New York and New Zealand. Consul General Yaakov briefly addressed the Senate and withdrew from the Chamber.

PAPER FROM THE HOUSE.

The Senate Bill relative to sewer commissioners in the town of Wareham (Senate, No. 34, amended),-- came from the House passed to be engrossed, in concurrence, with an amendment striking out section 5 and inserting in place thereof the following three sections:

"SECTION 5. Chapter 258 of the Acts of 1938 is hereby repealed.

SECTION 6. Section 5 shall take effect as of May 22, 2014.

SECTION 7. Sections 1 to 4, inclusive, shall take effect upon passage."

The rules were suspended, on motion of Mr. Pacheco, and the House amendment was considered forthwith and adopted, in concurrence (as corrected BTR).

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 Anne M. Gobi for legislation relative to standards for protective headgear for operators or passengers on motorcycles.

Senate Rule 36 was suspended, on motion of Ms. Gobi, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation.

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 for legislation relative to the testing and licensing requirements for operators of school buses.

Senate Rule 36 was suspended, on motion of Ms. Gobi, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation.

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 for legislation to require medical exams for certain school bus drivers.

Senate Rule 36 was suspended, on motion of Ms. Gobi, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Severally sent to the House for concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Joseph Esposito, an employee of the Massachusetts Department of Transportation (House, No. 3185),-- **ought to pass.**

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

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 exempting the position of deputy police chief in the city of Haverhill from the civil service law (House, No. 3330),-- **was read second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Amending the town charter for the town of Randolph (Senate, No. 24);

Authorizing the town of Sturbridge to issue one additional license for the sale of wine and malt alcoholic beverages not to be drunk on the premises at 178 Main Street (Senate, No. 30).

Relative to the town of Barre (Senate, No. 38); and

Amending the composition of the Stadium and Athletic Field Commission in the city of Malden (House, No. 3194);

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

The Senate Bill authorizing the city manager of the city of Worcester to appoint the chair of the Worcester redevelopment authority (Senate, No. 29),-- **was read a second time and ordered to a third reading. The rules were suspended, on motion of Ms. Chandler, and the bill was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

At seven minutes past two 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 nine minutes past two o'clock P.M., a quorum was declared present.
Moment of Silence.

At the request of the President, the members, guests and staff stood in a moment of silence and reflection to the memory Corporal John M. Dawson of Whitinsville

Recess.

There being no objection, at eleven minutes past two o'clock P.M., the President declared a recess subject to the call of the Chair; and, at thirteen before four o'clock P.M., the Senate reassembled, Ms. Jehlen in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

PAPERS FROM THE HOUSE

Engrossed Bills.

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

Relative to sewer commissioners in the town of Wareham (see Senate, No. 34, amended); and
Establishing a sick leave bank for Marlo Carter, an employee of the Department of Correction (see Senate, No. 42, amended).

Order.

On motion of Mr. Humason,--

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.

Adjourn In Memory of Corporal John M. Dawson

The Senator from Worcester and Norfolk, Mr. Fattman, and the Senator from Worcester, Mr. Moore moved that when the Senate adjourns today, it adjourn in memory of Corporal John M. Dawson of Whitinsville.

Corporal Dawson tragically passed away on April 8, 2015, while serving our country in Afghanistan, as a part of Operation Freedom's Sentinel.

He is a graduate of Blackstone Valley Regional Vocational Technical High School.

Corporal Dawson joined the Army in 2012, serving as a combat medic for the 1st Squadron, 33rd Cavalry Regiment, 3rd Brigade Combat Team in the 101st Airborne Division air assault unit.

He earned several medals and honors during his service, including the Bronze Star, Purple Heart, Army Commendation Medal with V Device, the Army Good Conduct Medal, National Defense Service Medal, Afghanistan Campaign Medal, and the Combat Action Badge.

Corporal John W. Dawson is survived by his parents Michael and Rhonda, his sister Ashley, all of Whitinsville, and many loving aunts, uncles, cousins and friends.

Accordingly, as a mark of respect in memory of Corporal John M. Dawson, at nine minutes before four o'clock P.M., on motion of Mr. Humason, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.