

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.

Tuesday, October 11, 2016.

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

Communication.

Communication from the Honorable Stanley C. Rosenberg, President of the Senate, announcing the appointment (pursuant to Chapter 3 of the Resolves of 2016) of Senator Jason Lewis to the Special Commission to make an investigation and study of local and regional public health,-- **was placed on file**

Reports.

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

Report of the Berkshire Regional Transit Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its financial statements and supplementary information for the year ended June 30, 2016 (received October 6, 2016); and Report of the Franklin Regional Transit Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its financial statements and supplementary information for the year ended June 30, 2016 (received October 7, 2016).

PAPERS FROM THE HOUSE

A Bill establishing a sick leave bank for Robert Clark, an employee of the Department of Mental Health (House, No. 4641-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Notice was received from the House announcing the following appointments by the Minority Leader of the House of Representatives:

That Representative Smola of Warren has been appointed to serve as his designee on the special commission on pension forfeiture established (under Section 151 of Chapter 133 of the Acts of 2016) to review the decision of the Supreme Judicial Court in *Public Employee Retirement Administration Commission v. Edward A. Bettencourt*, 474 Mass. 60 (2016);

That Representative Frost of Auburn has been appointed to serve as his designee on the special commission established (under Section 136 of Chapter 219 of the Acts of 2016) to conduct a comprehensive study relative to the practical, economic, fiscal and health related impacts of the Commonwealth remaining on Eastern Daylight Time/Atlantic Standard Time throughout the calendar year; and

That Representative Kelcourse of Amesbury has been appointed to serve as his designee on the special commission established (under Section 137 of Chapter 219 of the Acts of 2016) to conduct a comprehensive study relative to the regulation of online gaming, fantasy sports gaming and daily fantasy sports.

Resolutions.

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

Resolutions (filed by Ms. Gobi) “commemorating the three hundredth anniversary of the town of Palmer”; and
Resolutions (filed by Mr. Pacheco) “commemorating the two hundred and twenty-fifth anniversary of Captain John Kendrick's arrival at Kushimoto, Japan

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 amending Chapter 28 of the Acts of 2001 (Senate, No. 2412),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act repealing the Supplemental Reserve Fund in the city of Pittsfield”.**
Sent to the House for concurrence.

The Senate Bill authorizing assessment of sewer betterments and privilege fees in the town of Salisbury (Senate, No. 2481),-- **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 Littleton to grant an additional license for the sale of all alcoholic beverages not to be drunk on premises (House, No. 4453),-- was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Eldridge presented an amendment striking out subsections (c) and (d) and inserting in place thereof the following 2 subsections:-

“(c) Once issued, the licensing authority shall not approve the transfer of the license granted pursuant to this act to a person, corporation, organization or entity for a period of 3 years after the date of issuance; provided, however, that after the expiration of 3 years, the licensing authority may approve a transfer of the license to another person, corporation, organization or entity at a location within the Littleton Common district 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.

(d) If a license granted pursuant to this act is revoked, cancelled or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant operating within the Littleton Common only under the same conditions as specified in this act.”

The amendment was adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Karen Tavernier, an employee of the Department of Transportation (Senate, No. 2492),-- ought to pass, with an amendment substituting a new draft entitled “An Act establishing a sick leave bank for Karen Tavernier, an employee of the Massachusetts Department of Transportation” (Senate, No. 2498).

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2498) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A Bill relative to non-partisan municipal elections in the city of Somerville (House, No. 4175-- on petition) [Local approval received],-- **was read.**

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.

A petition (accompanied by bill, House, No. 4701) of Josh S. Cutler, Viriato M. deMacedo and Matthew J. Muratore for legislation to designate a certain intersection in the town of Pembroke as the James “Tiny” Brown memorial square,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Transportation.**

Engrossed Bills.

An engrossed Bill relative to preservation of evidence for victims of rape and sexual assault (see House, No. 4364, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, after remarks, was passed to be enacted and signed by the Acting President (Mr. Rodrigues) and laid before the Governor for his approbation.

An engrossed Bill creating a special commission studying cutting, welding and hot work processes regulated by the State Fire Code (see House, No. 4455) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, after remarks, was passed to be enacted and signed by the Acting President (Mr. Rodrigues) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday 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 twenty-eight minutes before twelve o'clock, noon the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.