

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 13, 2015.

Met at seventeen minutes past eleven o'clock A.M. (Mr. DiDomenico 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. DiDomenico), 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 Office of the Comptroller (pursuant to Section 6B of Chapter 29 of the General Laws) submitting the quarterly report on the status of federal funds applied for, received and expended (received October 9, 2015);
Communication from the Department of Public Health relative to plans of corrections submitted pursuant to inspections of Middlesex County House of Correction, Billerica; MCI Shirley; Hampshire County Jail and House of Correction, Northampton; Boston Pre-Release Center, Roslindale; Essex County Correctional Alternative Center, Lawrence; Bristol County Jail, Ash Street Facility, New Bedford; Hampden County Jail and House of Correction, Ludlow; Old Colony Correctional Center Kitchen Core Services, Bridgewater; and Old Colony Correctional Center, Bridgewater (received October 9, 2015); and
Communication from the Office of the Comptroller (pursuant to Chapter 46 of the Acts of 2015, Section 2E) submitting a revised Fiscal Year 2016 transfer schedule for the following accounts: 1595-1067 Delivery System Transformation Initiatives Trust Fund and 1595-1068 Medical Assistance Trust Fund (received October 9, 2015).

Petitions.

Petitions were severally presented and referred, as follows:

By Mr. Tarr (by request), a petition (accompanied by bill) (subject to Joint Rules 9 and 12) of Joseph Toolan for legislation to establish the Citizen Rights Investment Corporation Law; and

By Mr. Tarr (by request), a petition (accompanied by bill) (subject to Joint Rules 9 and 12) of Joseph Toolan for legislation to establish a Foreign Investment Corporation Law;

Were severally transmitted, under the provisions of Section 7 of Chapter 3 of the General Laws, to the Secretary of State.

Reports of Committees.

By Mr. Wolf, for the committee on Labor and Workforce Development, on Senate No. 999 and House No. 1756, a Bill to further define standards of employee safety (Senate, No. 999);

By Mr. Timilty, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Roger Sweeney, an employee of the Massachusetts Department of Correction (Senate, No. 2017); and

By the same Senator, for the same committee, on petition, a Bill establishing a sick leave bank for Cheryl A. Cole, an employee of the office of Medicaid (Senate, No. 2027);

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

By Mr. Timilty, for the committee on Public Service, on petition, a Bill exempting the position of deputy fire chief in the town of Shrewsbury from the civil service law (Senate, No.1929) [Local approval received];
Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

PAPERS FROM THE HOUSE.

A Message from His Excellency the Governor recommending legislation relative to improving and expanding educational opportunity (House, No. 3804),-- **was referred, in concurrence, to the committee on Education.**

A petition (accompanied by bill, House, No. 3803) of William M. Straus and Michael J. Rodrigues (by vote of the town) for legislation to validate certain actions taken at the annual town meeting held in the town of Rochester,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government..**

Bills

Authorizing the town of Scituate to convey certain land (House, No. 3599,-- on petition) [Local approval received]; and Authorizing the town of Bedford to grant additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3802,-- on House, No. 3712) [Local approval received on House, No. 3712];

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

Report of the committee on Municipalities and Regional Government asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3760) of David M. Nangle and others relative to municipal banking laws,-- **and recommending that the same be referred to the committee on Financial Services,-- was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:- Resolutions (filed by Mr. Downing) "commending Eileen Nuttall as the oldest living female veteran in the Commonwealth"; and Resolutions (filed by Mrs. L'Italien, Messrs. Donnelly and Tarr, Ms. Donoghue, Ms. O'Connor-Ives and Messrs. Barrett, and Eldridge) "commending the Northeast Independent Living Program, Inc. on the occasion of its thirty-fifth anniversary."

Communications.

The Clerk read the following communications:

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

October 9, 2015

William F. Welch
Senate Clerk
State House, Room 335
Boston, MA 02133

Dear Senate Clerk:

Please accept this correspondence as my vote for Senate Bill 2025, An Act making appropriations for the fiscal year 2015 to provide for supplementing certain existing appropriations and for certain other activities and projects. I was unable to vote in person. I would like to vote in the affirmative for Senate Bill 2025, An Act making appropriations for the fiscal year 2015 to provide for supplementing certain existing appropriations and for certain other activities and projects.

If you have any additional questions, please do not hesitate to contact my office.

Best Regards,
JASON M. LEWIS.

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

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

William Welch October 9, 2015
Senate Clerk

State House, Room 335
Boston, MA 02119

Dear Senate Clerk,

Due to my attendance of the Women in Government Eastern Regional Leadership conference on October 8, 2015 I was not present to vote during senate session. Had I been present, I would have voted the following ways on the following roll calls:

1. Roll Call #174 on L'Italien Amendment #14: Had I been present, I would have voted YES.
2. Roll Call #175 on Tarr Amendment #31: Had I been present, I would have voted YES.
3. Roll Call #176 on Tarr Amendment #32: Had I been present, I would have voted YES.
4. Roll Call #177 on Tarr Amendment #76: Had I been present, I would have voted NO.
5. Roll Call #178 on Eldridge Amendment #79: Had I been present, I would have voted YES.
6. Roll Call #179 on Montigny Amendment #12: Had I been present, I would have voted YES.
7. Roll Call #180 on Donnelly Amendment #29 as a further amendment: Had I been present, I would have voted NO.
8. Roll Call #181 on Engrossment on the bill: Had I been present, I would have voted YES.

I request that this be printed with the Senate Journal. Please do not hesitate to contact me if you have any questions about this or need any clarification about these votes.

Sincerely,
BARBARA L'ITALIEN
State Senator
Second Essex and Middlesex District

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

PAPERS FROM THE HOUSE

A petition (accompanied by bill, House, No. 3808) of Garrett J. Bradley, James M. Murphy and Robert L. Hedlund for legislation to designate a certain traffic island in the town of Hingham as the Frank Massa memorial island,— **was referred in concurrence, under suspension of Joint Rule 12, to the committee on Transportation.**

Reports of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill revising the interstate compact on the placement of children (Senate, No. 101),-- **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, October 15, 2015 for a second reading.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to the re-homing of children (Senate, No. 75),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2029)** [estimated cost \$200,000].

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 the re-homing of children (Senate, No. 75) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2029) shall be placed in the Orders of the Day for a second reading on Thursday, October 15, 2015.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 3:00 P.M., on Wednesday, October 14, 2015. All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2029), 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 will be placed in the Orders of the Day for Thursday, October 15 for a second reading with the amendment pending.

PAPERS FROM THE HOUSE
Emergency Preambles Adopted.

An engrossed Bill relative to the transfer of certain funds to be credited to the Housing Preservation and Stabilization Trust Fund for fiscal year 2016 (see House No. 3673, 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.**

The bill was signed by the President and sent to the House for enactment.

Engrossed Bills.

The following engrossed bills (all 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 Acting President (Mr. DiDomenico) and laid before the Governor for his approbation, to wit:

Authorizing the town of Montague to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 3369, amended);

Authorizing the city of Salem to grant 1 additional license for the sale of alcoholic beverages to be drunk on the premises (see House, No. 3710); and

Authorizing the city of Melrose to grant licenses for the sale of alcoholic beverages to be drunk on the premises (see House, No. 3713, amended).

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., in a full formal session with a calendar.

Moment of Silence.

At the request of the Chair (Mr. Tarr), the members, guests and staff stood in a moment of silence and reflection to the memory of John R. "Jack" Di Mento of Winthrop.

Adjourn In Memory of John R. "Jack" Di Mento

Mr. Tarr in the Chair, the Senator from Essex and Middlesex, Mr. Tarr, and the Senator from Suffolk and Norfolk, Mr. Rush, moved that when the Senate adjourns today, it adjourn in memory of John R. "Jack" Di Mento.

John "Jack" Di Mento, died on May 30th, 2015, at the age of 83. Mr. Di Mento passed away peacefully surrounded by loving family members. The son of John and Marian Di Mento, Mr. Di Mento was born and raised in Winthrop, Massachusetts, where he was the eldest of nine children.

Mr. Di Mento served in the United States Marine Corps enlisting in 1951, at the age of 19. He was honorably discharged in 1953 at the rank of Sergeant. He was also a long time member of the Winthrop Yacht Club and served as its Commodore. After serving his time in the Marine Corps, he went on to graduate from Northeastern University with a degree in Mechanical Engineering. He worked as the Plant Engineer at GTE Sylvania in Salem for 38 years.

Continuing his dedication to public service, Mr. Di Mento also served the town of Rowley for 28 years. He faithfully served on the Personnel Board, as well as the Finance Committee, eventually serving as chairmen.

Mr. Di Mento was a wonderful family man and an inspiring leader in the community. His unrelenting commitment to his country and constant dedication to the town of Rowley will not soon be forgotten by those who knew him. He is survived by his wife of nearly 57 years, Barbara and their children; his sons William J. Sr and wife Elizabeth, and John M. as well as his daughters, Nancy J. Di Mento-Jerome and husband William III, Theresa M., Barbara J. Munday and husband Michael, Kathryn E. Imbrogna and husband Joseph, and the late Cheryl Ann, along with all his grandchildren and extended family.

Mr. DiDomenico in the Chair, accordingly, as a mark of respect in memory of John R. "Jack" Di Mento, at a quarter before twelve o'clock noon, on motion of Mr. Tarr, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.