

**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, November 5, 2015.*

Met at ten minutes past eleven o'clock A.M.

The Senator from Hampden and Hampshire, Mr. Humason, then led the President, members, guests and staff in the recitation of the pledge of allegiance to the flag.

#### *Distinguished Guests.*

There being no objection, the President handed the gavel to Ms. Spilka for the purpose of an introduction. Ms. Spilka and Ms. Chang-Diaz then introduced, on the rostrum with them, Brandon Adams and his father, who is standing in the back of the Chamber. Brandon is a freshman at Norfolk Agricultural Technical High School. His strong advocacy for transgender rights has brought him to the State House to share his story at a recent Judiciary committee hearing. The Senate welcomed them with applause and they withdrew from the Chamber.

#### *Communications.*

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

Communication from the Honorable Bruce E. Tarr, Senate Minority Leader, announcing the appointment (pursuant to clause (c) of Chapter 418 of the Acts of 2014) of Ms. Monica Medeiros of Melrose to the Mystic River Watershed water quality commission;

Communication from the Office of the Comptroller (pursuant to item 1599-2040 of Section 2B of Chapter 165 of the Acts of 2014 and Section 2B of Chapter 46 of the Acts of 2015) submitting its reports relative to paid prior year deficiencies (received October 30, 2015);

Communication from the Office of the Comptroller (pursuant to Section 2E of Chapter 46 of the Acts of 2015) submitting a Fiscal Year 2016 revised transfer schedule for the following account: 1595-6370 Regional Transit Authorities (received November 2, 2015); and

Communication from the Office of the Comptroller (pursuant to Section 12(a) of Chapter 7A of the General Laws) submitting a status report for the FY15 Statutory Basis Financial Report; and

Communication from the Department of Public Health (pursuant to item 4510-0616 of Section 2 of Chapter 46 of the Acts of 2015) submitting its data brief from the Office of Prescription Monitoring and Drug Control Program (received November 4, 2015).

#### *Reports.*

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

Report of the Martha's Vineyard 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, 2015 (received November 2, 2015);

Report of the Department of Telecommunications and Cable (pursuant to Section 6 of Chapter 25C of the General Laws) submitting its Fiscal Year 2015 Annual Report (received November 2, 2015);

Report of the Department of Youth Services (pursuant to Section 16 of Chapter 123A of the General Laws) submitting its annual report regarding the treatment provided to sexually dangerous persons (copies having been forwarded as required to the Senate Committee on Ways and Means and Joint Committees on the Judiciary and Public Safety and Homeland Security) (received November 2, 2015);

Report of the Brockton Area 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, 2015 (received November 4, 2015); and

Report of the Department of Correction (pursuant to Section 16 of Chapter 123A of the General Laws) submitting its Annual Report of the Massachusetts Treatment Center for Sexually Dangerous Persons (copies having been forwarded as required to the Senate Committee on Ways and Means and Joint Committees on the Judiciary and Public Safety and Homeland Security) (received November 4, 2015).

#### Reports of Committees.

By Mr. Timilty, for the committee on Public Service, on petition, a Bill relative to public safety line of duty benefits (Senate, No. 1428);

By the same Senator, for the same committee, on Senate No. 1430 and House No. 2433, a Bill further regulating employee benefits (Senate, No. 1430);

By the same Senator, for the same committee, on petition, a Bill relative to the retirement benefits of certain widows and surviving spouses (Senate, No. 1431);

By the same Senator, for the same committee, on petition, a Bill establishing a sick leave bank for Wallace Seward, an employee of the Massachusetts Department of Correction (Senate, No. 2031);

By the same Senator, for the same committee (accompanied by bill Senate, No. 1404), a Bill relative to the retirement of University of Massachusetts police (Senate, No. 2045);

By the same Senator, for the same committee (accompanied by bill Senate, No. 1442), a Bill relative to the retirement benefits of state police dispatchers (Senate, No. 2046); and

By Ms. Lovely, for the committee on State Administration and Regulatory Oversight, on petition, a Bill relative to Congo conflict minerals (Senate, No. 1682);

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

#### PAPERS FROM THE HOUSE

Petition (accompanied by bill, House, No. 3834) of Bradley H. Jones, Jr. and Thomas M. McGee (by vote of the town) that the town of Lynnfield be authorized to convey a certain parcel of land in said town for recreational purposes,-- **was referred in concurrence, under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.**

#### *Bills*

Authorizing the Turners Falls fire district to establish certain funds (House, No. 1853,-- on petition);

Relative to the Lance Corporal Andrew J. Zabierek Memorial Bridge in the town of Chelmsford (House, No. 2937,-- on petition);

Designating a certain bridge in the town of Lanesborough as the Sergeant Gregory Aloysius Noonan Bridge (House, No. 3335,-- on petition); and

Designating a certain bridge in the town of Barnstable as the Louis Karras memorial bridge (House, No. 3795,-- on petition);

**Severally read and, under Senate Rules 26, referred to the committee on Rules.**

A Bill authorizing the town of North Reading to convey certain property (House, No. 3819,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Report of the committee on Education asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3390) of Daniel Cullinane and others for legislation to improve adult basic education access and quality,-- and recommending that the same be referred to the committee on Public Service,-- **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. Donnelly) "commending Norman Knight for his dedicated service to the city of Boston";

Resolutions (filed by Messrs. Eldridge and Moore, Ms. O'Connor Ives, Ms. Lovely, Messrs. McGee and Lewis, Ms. Stone Creem, Ms. Jehlen and Ms. Flanagan) "commending the Board of Library Commissioners on its one hundred and twenty-fifth anniversary";  
Resolutions (filed by Mr. Ross and Ms. Spilka) "congratulating Austin Conatser of the city known as the town of Franklin on his elevation to the rank of Eagle Scout";  
Resolutions (filed by Mr. Ross and Ms. Spilka) "congratulating Riley Conatser of the city known as the town of Franklin on his elevation to the rank of Eagle Scout";  
Resolutions (filed by Mr. Ross and Ms. Spilka) "congratulating Michael Parrella of the city known as the town of Franklin on his elevation to the rank of Eagle Scout";  
Resolutions (filed by Mr. Ross and Ms. Spilka) "congratulating Andrew Pritchard of the city known as the town of Franklin on his elevation to the rank of Eagle Scout"; and  
Resolutions (filed by Mr. Welch) "commending Dante Club Inc. of the city known as the town of West Springfield on its one hundredth anniversary."

Communication.

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE

October 19, 2015

William F. Welch  
Clerk of the Senate  
State House  
Boston, MA 02133

Dear Mr. Welch,

On Thursday, October 15, I attended the State Internet Policy Conference in San Francisco and was unable to attend the formal session. I would like the following votes to be recorded with regard to S. 101, An Act revising the interstate compact on the placement of children, and with regard to the governor's budget overrides.

Had I been present for roll call #182 on the passing of the bill to be engrossed, I would have voted in the affirmative.

Had I been present for roll call #183 on the question of whether to override the governor's veto of Section 119, I would have voted in the affirmative.

Had I been present for roll call #184 on the question of whether to override the governor's veto of Section 123, I would have voted in the affirmative.

Had I been present for roll call #185 on the question of whether to override the governor's veto of Section 140, I would have voted in the affirmative.

Had I been present for roll call #186 on the question of whether to override the governor's veto of Section 159, I would have voted in the affirmative.

I respectfully request that a copy of this correspondence be printed in the journal during the next session. Thank you in advance for your assistance in this matter.

*Sincerely,*  
EILEEN DONOGHUE  
*State Senator*  
*First Middlesex District*

**On motion of Ms. Lovely, the above communication was ordered printed in the Journal of the Senate. Ordered printed.**

*Report of a Committee.*

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Deborah Clay, an employee of the Trial Court (House, No. 3764, amended),-- **ought to pass.**

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

**PAPER FROM THE HOUSE**

A petition (accompanied by bill, House, No. 3840) of Alan Silvia and Michael J. Rodrigues relative to establishing a sick leave bank for Lucia R. Dias, an employee of the Bristol County House of Correction,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

*Matter Taken 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 Senate Bill authorizing the town of Middlefield to continue the employment of police chief Thomas Austin (Senate, No. 1941),-- **was read a third time and passed to be engrossed. Sent to the House for concurrence.**

*Orders of the Day.*

The Orders of the Day were considered, as follows:

*Bills*

Relative to segregated reserve funds in the city of Boston (Senate, No. 1999);  
Regarding a quorum of a public body in the town of Milton (Senate, No. 2001);  
Relative to the off-street parking board in the city of Worcester (Senate, No. 2012);  
Relative to the Town Manager in the Town of Duxbury (House, No. 3343, amended);  
Authorizing the town of Pembroke to use water supply and conservation land for public way purposes (House, No. 3594); and  
Authorizing the town of Sharon to abate certain real property taxes (House, No. 3595);  
**Were severally read a second time and ordered to a third reading.**

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The Senate Resolve establishing a special legislative committee on young professionals (Senate, No. 1971),-- was read a second time, the main question being on ordering it to a third reading.

After remarks, the pending Rules amendment substituting a new resolve with the same title (Senate, No. 2044),-- **was considered; and it was adopted.**

**The resolve (Senate, No. 2044) was then ordered to a third reading. The rules were suspended, on motion of Mr. Welch, and the resolve was read a third time and passed to be engrossed. Sent to the House for concurrence.**

The Senate Resolve creating a commission to study ways to prevent bullying of tenants in public and subsidized multi-family housing (Senate, No. 1984),-- **was read a second time and, after remarks, was ordered to a third reading. The rules were suspended, on motion of Ms. Lovely, and the resolve was read a third time and passed to be engrossed. Sent to the House for concurrence.**

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There being no objection, during consideration of the Orders of the Day, the following matter was considered, as follows:

***PAPER FROM THE HOUSE***

*Engrossed Bill Returned by Governor With His Objections Thereto*

The engrossed Bill authorizing the appointment of retired police officers as special police officers in the city of Boston (see House, No. 2339), which, on Thursday, September 3, 2015, had been laid before His Excellency the Governor for his approbation,— came from the House the same having been returned by His Excellency the Governor, with his objections thereto in writing, [for message, see House, No. 3759] and having passed that branch, notwithstanding said objections.

The message (House, No. 3759) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

The question on passing the bill, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-two minutes before twelve o'clock noon, as follows, to wit (*yeas 37 — nays 0*) **[Yeas and Nays No. 196]:**

**YEAS.**

Barrett, Michael J.

Keenan, John F.

Brownsberger, William N.

Lesser, Eric P.

Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	L'Italien, Barbara A.
Creem, Cynthia Stone	Lovely, Joan B.
deMacedo, Viriato M.	McGee, Thomas M.
DiDomenico, Sal N.	Montigny, Mark C.
Donnelly, Kenneth J.	Moore, Michael O.
Donoghue, Eileen M.	O'Connor Ives, Kathleen
Downing, Benjamin B.	Pacheco, Marc R.
Eldridge, James B.	Petruccelli, Anthony
Fattman, Ryan C.	Rodrigues, Michael J.
Flanagan, Jennifer L.	Ross, Richard J.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Humason, Donald F., Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 37.
Joyce, Brian A.	

**NAYS – 0.**

**ABSENT OR NOT VOTING.**

Rush, Michael F. – 1.

**The yeas and nays having been completed at nineteen minutes before twelve o'clock noon, the bill was passed by the Senate, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

*Recess.*

At a quarter before twelve o'clock noon, at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at one minute past four o'clock P.M., the Senate reassembled, the President in the Chair.

At two minutes past four o'clock P.M., Ms. Spilka 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 eighteen minutes past four o'clock P.M., a quorum was declared present.

#### *Orders of the Day.*

The Orders of the Day were further considered, as follows:

The Senate Bill relative to the re-homing of children (Senate, No. 75),-- **was considered, the main question being on ordering it to a third reading.**

Pursuant to an order previously adopted, Ms. Flanagan and Mr. Tarr moved that the proposed Ways and Means new draft (Senate, No. 2029) be amended by substituting a new draft **with the same title (Senate, No. 2043).**

After remarks, Messrs. Tarr and Moore and Ms. O'Connor Ives moved to amend the proposed new draft by inserting after the word "abuse", in line 115, the following words:- "including, but not limited to, developing a system for mandated reporting". After remarks, the amendment was **adopted.**

Messrs. Humason, Fattman, Tarr, deMacedo, Hedlund and Ross moved to amend the proposed new draft by adding at the end thereof the following new section:-

"SECTION X. There shall be a commission to examine the process of adoptions facilitated by the Commonwealth. The commission shall examine the monetary and temporal cost of adoption, state regulations and procedures, supports provided for families prior to and after adoption, educational transitions, issues related to oversight and accountability, and best practices. The commission shall also consider social barriers to adoption and differences between in-state, national, and international adoption processes. The commission shall provide recommendations for ensuring efficient and safe adoptions."

After remarks, the amendment was **adopted.**

Mr. Keenan moved to amend the proposed new draft by inserting after the word "parents", in line 32, the words:- "; provided, that said list shall be developed, distributed to placement agencies, and periodically updated by the department, and the department shall take steps to ensure the quality and integrity of the agencies to which the list refers".

The amendment was *rejected.*

Mr. Keenan moved to amend the proposed new draft by inserting after the words "for adoptive parent applicants", in line 42, the words:- ", at no cost to the applicants".

The amendment was *rejected.*

Mr. Keenan moved to amend the proposed new draft in section 4, in proposed subsection (f) of section 6 of chapter 15D of the General Laws, by adding the following sentence:- "The department shall issue guidelines for placement agencies on the release of relevant and accurate information relative to a child's mental, emotional and behavioral health."

The amendment was **adopted.**

Mr. Keenan moved to amend the proposed new draft in section 4, by inserting after the word "information", in line 16, the following words:- "that the agency holds".

The amendment was **adopted.**

Mr. Tarr moved to amend the proposed new draft by inserting the following new section:-

"SECTION \_\_. Section 6 of chapter 15D of the General Laws is hereby amended, in line 47, by striking the word '16' and inserting in place thereof the following:- '18'."

After remarks, the amendment was **adopted.**

Ms. Creem and Mr. Brownsberger moved to amend the proposed new draft by inserting in line 112 after the words "the commissioner of children and families," the following:- "the chief counsel of the committee for public counsel services; the attorney general;"

The amendment was **adopted.**

Mr. Montigny moved to amend the proposed new draft by inserting after section 3 the following section:-

"SECTION 3A. Said section 6 of said chapter 15D, as so appearing, is hereby amended by inserting after subsection (c) the following 2 subsections:-

(c<sup>4</sup>) No person or entity, unless acting as a duly authorized agent or employee of the department of children and families or a licensed placement agency, shall accept payment in the form of money or other consideration in return for placing a child for adoption or for any other temporary placement or permanent physical placement. No person or entity shall knowingly give payment in the form of money or other consideration to another person or entity, other than a duly authorized agent or employee

of the department of children and families or a licensed placement agency, for placing a child for adoption or for any other temporary placement or permanent physical placement. Nothing in this subsection shall prohibit a duly authorized agent or employee of the department of children and families or a licensed placement agency from giving subsidies or other benefits for the care and maintenance of such children. For the purposes of this section, the term 'temporary placement' shall not include when the parents or custodians of a child place that child for a designated short-term period with a specified intent for return of the child; provided, however, that 'short-term period' shall include, but not be limited to, short-term placements due to parental employment, vacations, school-sponsored functions or activities, incarceration, military service, medical treatment or the incapacity of a parent.

(c $\frac{1}{2}$ ) No person or entity, unless acting as a duly authorized agent or employee of the department of children and families or a licensed placement agency, shall solicit payment in the form of money or other consideration in return for placing a child for adoption or for any other temporary or permanent physical placement. No person or entity shall knowingly offer payment in the form of money or other consideration to another person or entity, other than a duly authorized agent or employee of the department of children and families or a licensed placement agency, for placing a child for adoption or for any other temporary or permanent physical placement. Nothing in this subsection shall prohibit a duly authorized agent or employee of the department of children and families or a licensed placement agency from offering subsidies or other benefits for the care and maintenance of such children. For the purposes of this section, the term 'temporary placement' shall not include when the parents or custodians of a child place that child for a designated short-term period with a specified intent for return of the child; provided, however, that 'short-term period' shall include, but not be limited to, short-term placements due to parental employment, vacations, school-sponsored functions or activities, incarceration, military service, medical treatment or the incapacity of a parent.”;

In section 5, in proposed subsection (b) of proposed section 15 of chapter 15D of the General Laws, by striking out the last sentence; and

In said section 5, by inserting after said proposed subsection (b) of said proposed section 15 of said chapter 15D the following 2 subsections:-

“(b $\frac{1}{4}$ ) Any person or entity, unless acting as a duly authorized agent or employee of the department of children and families or a licensed placement agency, who violates subsection (c $\frac{1}{4}$ ) by accepting payment in the form of money or other consideration in return for placing a child for adoption or for any other temporary or permanent physical placement shall be punished by a fine of not less than \$5,000 nor more than \$30,000, or by imprisonment in a jail or a house of correction for not more than 2 $\frac{1}{2}$  years or in a state prison for not more than 20 years, or by both such fine and imprisonment. Any person or entity who violates subsection (c $\frac{1}{4}$ ) by knowingly giving payment in the form of money or other consideration to another person or entity, other than a duly authorized agent or employee of the department of children and families or a licensed placement agency, for placing a child for adoption or for any other temporary or permanent physical placement shall be punished by a fine of not less than \$5,000 nor more than \$30,000, or by imprisonment in a jail or a house of correction for not more than 2 $\frac{1}{2}$  years or in a state prison for not more than 20 years, or by both such fine and imprisonment. For the purposes of this section, the term 'temporary placement' shall not include when the parents or custodians of a child place that child for a designated short-term period with a specified intent for return of the child; provided, however, that 'short-term period' shall include, but not be limited to, short-term placements due to parental employment, vacations, school-sponsored functions or activities, incarceration, military service, medical treatment or the incapacity of a parent.

(b $\frac{1}{2}$ ) Any person or entity, unless acting as a duly authorized agent or employee of the department of children and families or a licensed placement agency, who violates subsection (c $\frac{1}{2}$ ) by soliciting payment in the form of money or other consideration for placing a child for adoption or for any other temporary or permanent physical placement shall be punished by a fine of not less than \$5,000 nor more than \$30,000, or by imprisonment in a jail or a house of correction for not more than 2 $\frac{1}{2}$  years or in a state prison for not more than 20 years, or by both such fine and imprisonment. Any person or entity who violates subsection (c $\frac{1}{2}$ ) by knowingly offering payment in the form of money or other consideration to another person or entity, other than a duly authorized agent or employee of the department of children and families or a licensed placement agency, for placing a child for adoption or for any other temporary or permanent physical placement shall be punished by a fine of not less than \$5,000 nor more than \$30,000, or by imprisonment in a jail or a house of correction for not more than 2 $\frac{1}{2}$  years or in a state prison for not more than 20 years, or by both such fine and imprisonment. For the purposes of this section, the term 'temporary placement' shall not include when the parents or custodians of a child place that child for a designated short-term period with a specified intent for return of the child; provided, however, that 'short-term period' shall include, but not be limited to, short-term placements due to parental employment, vacations, school-sponsored functions or activities, incarceration, military service, medical treatment or the incapacity of a parent.”.

After debate, the amendment was **adopted**.

Mr. Tarr, Ms. Flanagan, Mr. Moore, Ms. O'Connor Ives and Messrs. Brownsberger, Humason, Ross, deMacedo, Fattman and Hedlund moved to amend the proposed new draft in section 7, by striking out, in lines 95 to 97, inclusive, the words “by a fine of not less than \$5,000 and not more than \$30,000, or by imprisonment in jail or a house of correction for not more than 2 $\frac{1}{2}$  years or in the state prison for not more than 5 years, or by both such fine and imprisonment” and inserting in place thereof the following words:- “for a first offense by a fine of up to \$10,000 or by imprisonment in a house of correction for up to 2 $\frac{1}{2}$  years, or by both such fine and imprisonment or, if the defendant knew or should have known that the child would be placed at risk of abuse or neglect in the physical placement, the defendant shall be punished by a fine of not more than \$50,000 or by imprisonment in a house of correction for not more than 2 $\frac{1}{2}$  years or in a state prison for not more than 5 years, or by both such fine and imprisonment; for a second offense by a fine of not more than \$50,000 or by imprisonment in a house of correction for not more

than 2½ years or in a state prison for not more than 5 years, or by both such fine and imprisonment; and for a third or subsequent offense by a fine of not more than \$100,000 or by imprisonment in a house of correction for not more than 2½ years or in a state prison for not more than 10 years, or by both such fine and imprisonment”;

In said section 7, by striking out, in lines 102 to 104, inclusive, the words "by a fine of not less than \$10,000 and not more than \$40,000, or by imprisonment in jail or a house of correction for not more than 2½ years or in the state prison for not more than 5 years, or by both such fine and imprisonment" and inserting in place thereof the following words:- "for a first offense by a fine of up to \$10,000 or by imprisonment in a house of correction for up to 2½ years, or by both such fine and imprisonment or, if the defendant abused or neglected the child, the defendant shall be punished by a fine of not more than \$50,000 or by imprisonment in a house of correction for not more than 2½ years or in a state prison for not more than 5 years, or by both such fine and imprisonment; for a second offense by a fine of not more than \$50,000 or by imprisonment in a house of correction for not more than 2½ years or in a state prison for not more than 5 years, or by both such fine and imprisonment; and for a third or subsequent offense by a fine of not more than \$100,000 or by imprisonment in a house of correction for not more than 2½ years in a state prison for not more than 10 years, or by both such fine and imprisonment"; and

In said section 7, by striking out, in lines 106 and 107, the words "by imprisonment in the state prison for not more than 20 years and by a fine of not more than \$25,000" and inserting in place thereof the following words:- "for a first offense by a fine of up to \$10,000 or by imprisonment in a house of correction for up to 2½ years, or by both such fine and imprisonment or, if the defendant knew or should have known that the child would be placed at risk of abuse or neglect in the physical placement, the defendant shall be punished by a fine of not more than \$50,000 or by imprisonment in a house of correction for not more than 2½ years or in a state prison for not more than 10 years, or by both such fine and imprisonment; for a second offense by a fine of not more than \$50,000 or by imprisonment in a house of correction for not more than 2½ years or in a state prison for not more than 10 years, or by both such fine and imprisonment; and for a third or subsequent offense by a fine of not more than \$100,000 or by imprisonment in a house of correction for not more than 2½ years or in a state prison for not more than 20 years, or by both such fine and imprisonment”.

**After remarks, the amendment was adopted.**

**The amendment (Senate, No. 2043, amended) was then substituted for the pending Ways and Means new draft.**

**The bill (Senate, No. 2043, amended) was then substituted for Senate, No. 75, ordered to a third reading and read a third time.**

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at one minute past five o'clock P.M., on motion of Ms. Flanagan, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 197**]:

#### YEAS.

Barrett, Michael J.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	L'Italien, Barbara A.
Creem, Cynthia Stone	Lovely, Joan B.
deMacedo, Viriato M.	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Petruccelli, Anthony

Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Humason, Donald F., Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 37.
Joyce, Brian A.	

**NAYS – 0.**

**ABSENT OR NOT VOTING.**

McGee, Thomas M. – 1.

**The yeas and nays having been completed at three minutes past five o'clock P.M., the bill was passed to be engrossed. [For text, see Senate, No. 2050, printed as amended.]**

*Statement of Senator L'Italien on the Passing of House Chaplain Robert F. Quinn, C.S.P.*

Father Robert F. Quinn, C.S.P., former Chaplain of the Massachusetts House of Representatives, passed from this life on October 31 at the age of 89. A graduate of Boston College High School, and St. Paul's College in Washington DC, he was ordained a Paulist Priest in 1953. He spent his first years of priesthood in Layton, Utah at the St. Rose of Lima Church. He returned to Boston in 1956 where he spent fifteen years at the Paulist Center in Boston. As president of The Park Street Corporation, Father Quinn brought Boston's business leaders together to discuss the state of the city and strategies to improve Boston's public education, health care, housing, courts and law enforcement. He worked on many advisory committees, including the Governor's Advisory Committee for Housing and Community Development, The Advisory Committee for the Boston Housing Authority, and advisory committees for the City's Assessor, and the Mass Convention Center Authority. He was also a member of The Archdiocesan Commission on Human Rights and a member of The Institutional Review Board at The Massachusetts General Hospital. In 1983, Father Quinn was chosen to be the Chaplain of the Massachusetts House of Representatives. Reluctant to take the post at first, Father Quinn served in this role for thirty years, delivering his invocation before each legislative session of the House. He will be greatly missed by all whose lives he touched.

Mr. Tarr moved that the remarks be printed in the Journal and the question on was determined by a call of the yeas and nays at seven minutes past five o'clock P.M., on motion of the same Senator, as follows, to wit (*yeas 35 — nays 0*) **[Yeas and Nays No. 198]:**

<b>YEAS.</b>	
Barrett, Michael J.	Lesser, Eric P.
Brownsberger, William N.	Lewis, Jason M.
Chandler, Harriette L.	L'Italien, Barbara A.
Chang-Diaz, Sonia	Lovely, Joan B.

deMacedo, Viriato M.	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Petrucelli, Anthony
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Gobi, Anne M.	Spilka, Karen E.
Hedlund, Robert L.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. – 35.
Keenan, John F.	
<b>NAYS – 0.</b>	
<b>ABSENT OR NOT VOTING.</b>	
Creem, Cynthia Stone	McGee, Thomas M. – 3.
Forry, Linda Dorcena	

**The yeas and nays having been completed at twelve minutes past five o'clock P.M., the remarks offered by Mrs. L'Italien on the passing of Fr. Robert F. Quinn, C.S.P. were printed in the Journal of the Senate.**

*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 of Fr. Robert F. Quinn, C.S.P.

*Order Adopted.*

On motion of Mr. Tarr,--

*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.

*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 of Robert Page.

*Report of a Committee.*

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill to promote quality physical education (Senate, No. 1976),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2047).

*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 to promote quality physical education (Senate, No. 1976) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2047) shall be placed in the Orders of the Day for a second reading on Wednesday, November 18, 2015.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Thursday, November 12, 2015. All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2047), 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. Pacheco, and the order was considered forthwith and adopted.**

**The bill will be placed in the Orders of the Day for Thursday, November 18 for a second reading with the amendment pending.**

*Report of a Committee.*

By Ms. Spilka, for the committee on Ways and Means, on Senate, No. 2013, in part, a "Bill relative to healthy youth" (Senate, No. 2048) (Senators deMacedo and Humason dissenting),-- **was read.**

*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 healthy youth (Senate, No. 2048) (the committee on Ways and Means having reported the bill on a part of Senate, No. 2013) shall be placed in the Orders of the Day for a second reading on Wednesday, November 18, 2015.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Thursday, November 12, 2015. All such amendments shall be second-reading amendments to Senate, No. 2048, 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. Lesser, and the order was considered forthwith and adopted.**

**The bill will be placed in the Orders of the Day for Thursday, November 18 for a second reading with the amendment pending.**

**PAPERS FROM THE HOUSE**

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

Petition (accompanied by bill, House, No. 3842) of Laura Simonds relative to the visitation rights of grandparents;

**Under suspension of Joint Rule 12, to the committee the Judiciary.**

Petition (accompanied by bill, House, No. 3843) of Daniel M. Donahue and Michael O. Moore for legislation to establish a sick leave bank for Jamie Johnson, an employee of the Department of Mental Health;

**Under suspension of Joint Rules 12, to the committee on Public Service**

Petition (accompanied by bill, House, No. 3844) of David K. Muradian, Jr., Michael O. Moore and Timothy R. Whelan for legislation to authorize the commissioner of the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Grafton;

**Under suspension of Joint Rules 12, to the committee on State Administration and Regulatory Oversight.**

*Adjourn In Memory of Robert Page*

The Senator from Middlesex and Worcester, Mr. Eldridge, moved that when the Senate adjourns today, it adjourn in memory of Robert Page.

Known as a dedicated city councilor and proud United States Army veteran, Robert Page passed away on September 29th after battling cancer.

A longtime Marlborough resident, Mr. Page is remembered as a hardworking councilor who was devoted to serving the residents of Ward 2 even through his illness.

Mr. Page's community service was not limited to the City Council, he was also a member of the Marlborough Lions Club for more than three decades, served on the Marlborough Veterans Council, and organized the city's Memorial Day and Veterans' Day parades.

While he was dedicated to volunteering in the city, Mr. Page was proudest to have served his country for 20 years in the United States Army.

Mr. Page fought in the Vietnam War and was stationed in Marlborough as an Army recruiter toward the end of his military career.

Accordingly, as a mark of respect in memory of Robert Page, at seventeen minutes past five o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M