

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.

Monday, November 16, 2015.

Met at five minutes past eleven o'clock A.M. (Mr. Brownsberger in the Chair).

The Chair (Mr. Brownsberger), 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 Executive Office of Housing and Economic Development (pursuant to Section 16G of Chapter 6A of the General Laws) submitting its working draft of the Commonwealth's next economic development plan (received November 13, 2015); and

Communication from the Department of Public Health relative to Plan of Correction for the following correctional facility: Northeastern Correctional Center (received November 13, 2015).

Reports.

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

Report of the Department of Unemployment Assistance (pursuant to Section 14F of Chapter 151A of the General Laws) submitting the October 2015 Unemployment Insurance Trust Fund Report (received November 13, 2015); 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:

Suffolk County Jail

Essex County Correctional Alternative Center

Plymouth County Correctional Facility

South Middlesex Correctional Center

Bridgewater State Hospital (received November 13, 2015).

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Humason, a petition (accompanied by bill, Senate, No. 2055) of Donald F. Humason, Jr. and John W. Scibak (with the approval of the mayor and city council) for legislation to authorize the city of Easthampton to grant eight additional licenses for the sale of all alcoholic beverages to be drunk on the premises [Local approval received]; and

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

Sent to the House for concurrence.

By Ms. Gobi, a petition (accompanied by bill) (subject to Joint Rule 12) of Anne M. Gobi and Donald R. Berthiaume, Jr. for legislation relative to State Police Station C-3,-- **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Report of a Committee.

By Ms. Jehlen, for the committee on Elder Affairs, on petition, a Bill relative to reserving beds in nursing homes during certain leaves of absence (Senate, No. 364, changed in line 10 by striking the figure "10" and inserting in place thereof the figure "15"); **Referred, under Joint Rule 1E, to the committee on Health Care Financing.**

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor recommending legislation relative to complying with the Uniform Interstate Family Support Act (House, No. 3848),-- **was referred, in concurrence, to the committee on the Judiciary.**

Bills

Relative to town meetings in the town of Framingham (House, No. 3195,-- on petition) [Local approval received];
Authorizing the town of Norwood to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (House, No. 3684, amended,-- on petition) [Local approval received];
Authorizing the city of Salem to convert 1 seasonal license to an annual license for the sale of wines and malt beverages to be drunk on the premises (House, No. 3740, amended-- on petition) [Local approval received]; and
Authorizing the conveyance of a certain parcel of land in the town of Lynnfield (House, No. 3834,-- on petition) [Local approval received];

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

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:-
Resolutions (filed by Messrs. Lewis and Brownsberger, Mrs. L'Italien, Ms. Lovely, Messrs. Joyce, Moore, McGee and Barrett, Ms. Chandler, Messrs. DiDomenico, Welch and Rush, Ms. Creem and Mr. Donnelly) "commending the American Diabetes Association on the occasion of World Diabetes Day."

PAPERS FROM THE HOUSE.

A Bill relative to grave markers to commemorate the graves of veterans, police officers and firefighters (House, No. 1306, amended,-- on petition),-- **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 Bill providing further penalties for intentional loss or damage to a gravestone or other gravemarker (House, No. 1600, amended,-- on petition),-- **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 Bill relative to the false representation of military status (House, No. 1641, amended,-- on petition),-- **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 Bill relative to the removal of veterans, police and fire commemorative flags (House, No. 3173, amended,-- on petition),-- **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 Bill proving free park access to Purple Heart recipients (House, No. 3243,-- on petition),-- **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.

Reports of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Carol Gulino, an employee of the Massachusetts Rehabilitation Commission (House, No. 3591, amended),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Tarr, 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 relative to the trafficking of fentanyl (House, No. 3798),-- ought to pass, with an amendment by striking out all after the enacting clause and inserting in place thereof the following text:-

"Section 32E of chapter 94C of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by adding the

following subsection:-

(e) Any person who trafficks in fentanyl, by knowingly or intentionally manufacturing, distributing, dispensing or possessing with intent to manufacture, distribute or dispense or by bringing into the commonwealth a net weight of more than 10 grams of fentanyl shall be punished by a term of imprisonment in state prison for not more than 20 years.

For purposes of this subsection, “fentanyl” shall include any derivative of fentanyl and any mixture containing more than 10 grams of fentanyl or a derivative of fentanyl.”

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 Wednesday, November 18, 2015 15, for a second reading, with the amendment pending.

PAPERS FROM THE HOUSE

Engrossed Bills Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to reimbursement of certain costs regarding underground storage tanks and systems (see House, No. 3835) [being the text contained in Section 10 of the Supplemental Appropriation Bill (see House, No. 3829)][for message, see Attachment C of House, No. 3838],— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:-

“By striking out the text contained therein and inserting in place thereof the following:

“SECTION 2. Item 8324-0000 of said section 2 of chapter 165 of the acts of 2014, as amended by section 29 of chapter 119 of the acts of 2015, is hereby further amended by striking out the words ‘provided further, that amounts allocated to fire department training academies shall not revert and shall be made available until June 30, 2016.’ and inserting in place thereof the following words:— provided further, that amounts allocated to said fire department training academy shall not revert and shall be made available until June 30, 2016.

SECTION 3. Section 1 of chapter 119 of the acts of 2015 is hereby amended by striking out the words ‘June 30, 2010’ and inserting in place thereof the following words:— June 30, 2016.

SECTION 4. This act shall take effect as of November 2, 2015.”

The message, as amended was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Tarr, and the Governor’s amendment, as amended was considered forthwith.

Ms. Spilka presented a motion that the Senate concur in the Governor’s amendment, as amended, with a further amendment striking out all after the enacting clause and inserting in place thereof the following 4 sections:-

“SECTION 1. Section 5 of chapter 21J of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) for each tank eligible for reimbursement pursuant to this chapter, reimbursement for all costs, expenses, claims and other obligations eligible for reimbursement pursuant to this chapter shall not exceed \$2,500,000, in the aggregate and less the applicable deductible specified in subsection (b), as follows: (i) \$1,500,000 for reimbursement under subclause (1) of clause (a) of section 4; and (ii) \$1,000,000 for expenses under subclause (2) of said clause (a) of said section 4.

SECTION 2. Section 1 of chapter 119 of the acts of 2015 is hereby amended by striking out the last sentence.

SECTION 3. Said chapter 119 is hereby further amended by striking out section 29 and inserting in place thereof the following section:-

Section 29. Item 8324-0000 of said section 2 of chapter 165 of the acts of 2014, as amended by section 50 of chapter 359 of the acts of 2014, is hereby further amended by inserting after the figure “2015”, the second time it appears, the following words:- ; provided further, that amounts allocated to said fire department training academy shall not revert and shall be made available until June 30, 2016.

SECTION 4. This act shall take effect as of November 2, 2015.”

The amendment was adopted.

The Governor’s amendment, as amended, was then adopted.

Sent to the House for concurrence in the further Senate amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to the safety and well-being of children in the custody of the department of children and families (see House, No. 3836) [being the text contained in Section 63 of the Supplemental Appropriations Bill (see House, No. 3829)] [for message, see Attachment D of House, No. 3838],— came from the House with the endorsement that the House had adopted the amendment in the form approved by the committee on Bills in the Third Reading and as amended by the House as follows:-

By striking out all after the enacting clause and inserting in place thereof the following:-

“SECTION 1. Item 1599-1100 as inserted by section 2A of chapter 119 of the acts of 2015, is hereby amended by striking the following date, ‘November 15, 2015’ and inserting in place thereof, the following:— January 4, 2016.

SECTION 2. On or before January 4, 2016, the department of children and families shall report to the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities on any new or updated policies, procedures and guidelines put into place at the department over the last year in order to provide systemic improvements that shall ensure the safety and well-being of children in the custody of the department and in-home placements and shall provide an update on the progress made in each area. The report shall include any performance benchmarks used to assess new or updated

policies as well as any procedures the department will take to improve its evaluation of children suspected of abuse or neglect.
SECTION 3. This act shall take effect as of November 2, 2015.”

The message, as amended was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Tarr, and the Governor’s amendment, as amended was considered forthwith.

On motion of the same Senator, the Governor’s amendment, as amended, was adopted, in concurrence. Sent to the House for re-enactment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to applications for waivers of the patient protection and affordable care act (see House, No. 3837) [being the text contained in Section 77 of the Supplemental Appropriations Bill (see House, No. 3829) [for message, see Attachment E of House, No. 3838],— came from the House with the endorsement that the House had rejected the amendment recommended by the Governor, and had adopted the following amendment striking out all after the enacting clause and inserting in place thereof the following:-
“SECTION 1. Section 77 of chapter 119 of the Acts of 2015 is hereby amended by striking out the figure ‘90’ and inserting in place thereof the following figure:— 30.

SECTION 2. This act shall take effect as of November 2, 2015.”

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

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

The Governor’s amendment was considered and it was rejected.

Ms. Spilka presented a motion that the Senate concur in the House amendment with a further amendment striking out all after the enacting clause and inserting in place thereof the following text:-

“SECTION 1. Notwithstanding any general or special law to the contrary, the board of the commonwealth health insurance connector shall submit a report to the joint committee on health care financing and the house and senate committees on ways and means not less than 45 days prior to submitting an application and not less than 10 days after submitting an application under clause (x) of section 3 of chapter 176Q of the General Laws detailing the intent and proposed changes to the state plan and state laws.

SECTION 2. This act shall take effect as of November 2, 2015.”

This motion prevailed and the House amendment was then adopted, as amended (as corrected BTR).

Sent to the House for concurrence in the further Senate amendment.

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

The House Bill authorizing the town of Norton to use water supply and conservation land for public way purposes (House, No. 3340),-- was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Timilty presented an amendment striking out section 2 and inserting in place thereof the following 3 sections:-

“SECTION 2. As a condition of the conveyance authorized in section 1, the town of Norton shall transfer the care, custody and control of the parcel of town-owned land located off James street, identified by the assessors as parcel 5-2-02-0, containing 0.62 acres, more or less, and acquired by the town by a final judgment in a tax foreclosure case recorded with the Bristol county registry of deeds in book 8028, page 46, from the tax custodian for tax title purposes to the conservation commission and the conservation commission shall dedicate and designate the parcel for conservation purposes pursuant to section 8C of chapter 40 of the General Laws.

SECTION 3. If the land conveyed pursuant to section 1 ceases to be used for the purposes described in said section 1, the land shall revert to the town of Norton for conservation or water supply purposes.

SECTION 4. This act shall take effect upon its passage.”

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.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Wednesday 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. Brownsberger), the members, guests and staff stood in a moment of silence and reflection to the memory of former State Senator Mary L. Padula.

Adjournment in Memory of Former State Senator Mary L. Padula

The Senator from Worcester and Middlesex, Ms. Flanagan, and the Senator from Essex and Middlesex, Mr. Tarr, moved that when the Senate adjourns today, it adjourn in memory of former State Senator Mary L. Padula.

Born in Fitchburg to the late Richard H. and Mildred Harley, Mary was, for most of her life, a resident of Lunenburg.

Mary excelled at athletics, including softball, basketball, tennis, and field hockey.

She attended the University of Wisconsin, Madison and upon graduation dedicated her life to public service.

For three decades Mary provided tireless service to the residents of Lunenburg, serving as Town Clerk, Tax Collector and Treasurer.

She was elected as a State Senator, representing the Second Worcester and Middlesex District, in 1982.

Mary became the first female appointed to the Senate leadership as Assistant Minority Whip and eventually rose to the position of Assistant Minority Leader.

After 8 years in the Senate, she joined Governor Weld's cabinet as Secretary of Housing & Community Development.

Mary was known by her colleagues for her honesty and openness, her love of people, and as a highly intelligent and effective public servant.

She served on the Lunenburg Republican Town Committee for 48 years, the Republican State Committee and the town's Charter Committee.

For her many years of service and contributions to the region, Mary was recognized by Fitchburg State College as one of the 100 citizens who made the greatest difference in northern Central Massachusetts.

She is survived by her daughter Gayle Padula, her son Steve Padula of Simpsonville, South Carolina; her grandchildren Courtney Hartsfield of Phoenix, Arizona, Blair Demianovich of Simpsonville, and Alyson Padula of Greenville, South Carolina; her great-grandchildren, Bowman and Eden Hartsfield of Phoenix and Nicholas 'Niko' Demianovich of Simpsonville; as well as many nieces, nephews and other relatives.

Mary was predeceased by her husband Leo "Bucky" Padula and her sister Margery Bickford.

Accordingly, as a mark of respect to the memory of former State Senator Mary L. Padula, at nineteen minutes past eleven o'clock A.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Wednesday next at eleven o'clock A.M.