

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, December 14, 2015.

Met at seven minutes past eleven o'clock A.M. (Mr. Brownsberger 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. 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:

Communication from the Honorable Stanley C. Rosenberg, President of the Senate, announcing the appointment (pursuant to Section 154 of Chapter 46 of the Acts of 2015) of Elaine Zollo and Doctor Ursula Matulonisto to the Special Commission on Ovarian Cancer;

Communication from the Honorable Maura Healy, Attorney General of the Commonwealth, announcing the appointment (pursuant to Section 18M of Chapter 6A of the General Laws) of Alicia Pradas-Monne, Senior Policy Advisor to the Attorney General's Policy & Government Division to the Criminal Justice Commission, replacing Sheila Calkins; and

Communication from the Department of Public Health relative to plans of correction for the following correctional facilities:

Northeastern Correctional Center

NCCI Gardner

Worcester County House of Corrections and Jail

Essex County Women in Transition

Suffolk County Jail

Souza-Baranowski Correctional Center (received December 10, 2015).

Reports.

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:

Berkshire County Jail and House of Corrections

Essex County Correctional Facility (received December 10, 2015),-- **were placed on file.**

Petition.

Mr. Pacheco presented a petition (accompanied by bill, Senate, No. 2075) of Marc R. Pacheco and Angelo L. D'Emilia (by vote of the town) for legislation to authorize the town of Raynham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises [Local approval received];

**Under Senate Rule 20, referred to the committee on Consumer Protection and Professional Licensure.
Sent to the House for concurrence.**

Reports of Committees.

By Mr. Welch, for the committee on Health Care Financing, that the Senate Bill relative to protecting against the transmission of pertussis (Senate, No. 1993),-- ought to pass with an amendment, substituting a new draft with the same title (Senate, No. 2074) [Estimated cost-less than \$100,000];

Read, and under Senate Rule 26, referred to the committee on Rules, with the amendment pending.

By Mr. Lewis, for the committee on Public Health, on Senate No. 1118 and House No. 249, a Bill establishing a dental hygiene practitioner level of practice (Senate, No. 2076);

Referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Welch, for the committee on Health Care Financing, on petition, a Bill relative to HIV-Associated lipodystrophy treatment (Senate, No. 618) [Estimated cost-more than \$100,000];

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

By Ms. L'Italien, for the committee on Municipalities and Regional Government, on petition, a Bill authorizing the town of Milton to establish a special purpose stabilization fund (Senate, No. 1992) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill relative to the appointment of constables in the town of Middleborough (Senate, No. 1995) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill relative to the appointment of assistant city clerks in the city of Gardner (Senate, No. 2002) [Local approval received];

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

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3891) of Paul Tucker and Joan B. Lovely (with the approval of the mayor and city council) that the city of Salem be authorized to grant an additional license for the sale of wines and malt beverages to be drunk on the premises;

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3892) of Timothy R. Madden (by vote of the town) that the Nantucket Islands Land Bank be authorized to convey certain land to the town of Nantucket for open space, recreational or conservation purposes; and

Petition (accompanied by bill, House, No. 3893) of James R. Miceli, Barbara L'Italien and James J. Lyons, Jr. (by vote of the town) that the town manager in the town of Tewksbury be authorized to live within a fifty mile radius of said town;

Severally, to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3894) of Paul Tucker and Joan B. Lovely (with the approval of the mayor and city council) that the city of Salem be authorized to establish the Salem harbor port authority;

To the committee on Transportation.

A Bill authorizing the town of Manchester-by-the-Sea to employ Albert B. Beardsley as interim fire chief (printed in House No. 3859,-- being a message from His Excellency the Governor),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Bills

Directing the Police Department of the city of Boston to waive the maximum age requirement for police officers for Robert J. Butts, III (House, No. 3763,-- on petition) [Local approval received]; and

Relative to the tax status of certain land owned by a housing authority within the city of Cambridge (House, No. 3867, amended,-- on petition) [Local approval received];

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

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

Petition (accompanied by bill, House, No. 3897) of Kenneth I. Gordon and Patricia D. Jehlen relative to persons authorized to perform marriage ceremonies;

Under suspension of Joint Rules 12, to the committee on the Judiciary.

Petition (accompanied by bill, House, No. 3898) of James M. Cantwell and others for an investigation by a special commission (including members of the General Court) to study behavioral health promotion and upstream prevention;

Under suspension of Joint Rules 12, to the committee on Mental Health and Substance Abuse.

Petition (accompanied by bill, House, No. 3899) of Stephen Kulik and others relative to the retirement classification of state inspectors; and

Petition (accompanied by bill, House, No. 3900) of RoseLee Vincent, Daniel J. Ryan and Anthony W. Petrucci for legislation

to establish a sick leave bank for Janaina Euriques, an employee of the Department of Children and Families;
Severally, under suspension of Joint Rules 12, to the committee on Public Service.

Petition (accompanied by bill, House, No. 3901) of Lori A. Ehrlich and others relative to the earned income tax credit;
Under suspension of Joint Rules 12, to the committee on Revenue.

Resolutions.

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

Resolutions (filed by Ms. Chang-Díaz) “congratulating Marie Gross on her retirement from the Commonwealth.”

Report 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 Marc R. Pacheco and Angelo L. D’Emilia for legislation to establish a sick leave bank for Stephen Rogan, an employee of the Trial Court.

The rules were suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. 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 Lucia R. Dias, an employee of the Department of Bristol County Sheriff’s Office (House, No. 3840, 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 establishing a sick leave bank for Jamie Johnson, an employee of the Department of Mental Health (House, No. 3843),-- **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 establishing a sick leave bank for Jane Mihalich, an employee of the Department of Public Health (House, No. 3852),-- **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.

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 House Bill authorizing the town of Canton to grant additional licenses for the sale of alcoholic beverages not to be drunk on the premises (House, No. 3768),-- was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Joyce presented an amendment striking out section 1 and inserting in place thereof the following section:-

“SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Canton may grant 2 additional licenses for the sale of all alcoholic beverages not to be drunk on the premises pursuant to section 15 of said chapter 138 to establishments. A license granted pursuant to this act shall be subject to the conditions set by the licensing authority and shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority shall not approve the transfer of a license granted pursuant to this act to any other person, partnership, corporation, limited liability company, organization or other entity or to any other location.

(c) If a license granted pursuant to this act is cancelled, revoked or no longer in use, the license 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 under the same conditions as authorized in this act.”

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.

The House Bill authorizing the town of Canton to grant additional licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 3769),-- was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Joyce presented an amendment striking out section 1 and inserting in place thereof the following section:-

“SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Canton may grant 5 additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to establishments. A license granted pursuant to this act shall be subject to the conditions set by the licensing authority and shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority shall not approve the transfer of a license granted pursuant to this act to any other person, partnership, corporation, limited liability company, organization or other entity or to any other location.

(c) If a license granted pursuant to this act is cancelled, revoked or no longer in use, the license 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 under the same conditions as authorized in this act.”

The amendment was adopted.

The bill was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill establishing the Williams-Rockwell educational gift fund in the city of Gardner (see House, No. 3565) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Mr. Brownsberger) 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-three minutes past eleven o'clock A.M., the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.