

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**MONDAY, MAY 1, 2017.**

[40]

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## JOURNAL OF THE SENATE.

Monday, May 1, 2017.

Met at five minutes past eleven o'clock A.M. (Mr. Boncore in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

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The Chair (Mr. Boncore), members, guests and staff then recited the pledge of allegiance to the flag.

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Pledge of allegiance.

### *Communications.*

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

Communication from the Department of Elementary and Secondary Education (pursuant to Section 165 of Chapter 133 of the Acts of 2016) submitting its low-income student calculation study (received April 27, 2017);

DESE,-- low-income student study.  
SD2180

Communication from the Department of Transportation (pursuant to Section 202 of Chapter 46 of the Acts of 2015) submitting the MBTA Fiscal and Management Control Board strategic plan (received April 27, 2017); and

MassDOT,-- FMCB strategic plan.  
SD2181

Communication from the Office of the Comptroller (pursuant to Section 2E of Chapter 133 of the Acts of 2016) submitting a Fiscal Year 2017 revised transfer schedule for the following account: 1595-6369 Massachusetts Bay Transportation Authority (received April 28, 2017).

Comptroller,-- revised transfer schedule.  
SD2183

### *Reports.*

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

Report of the Department of Transitional Assistance (pursuant to Section 32 of Chapter 158 of the Acts of 2014) submitting its plan to reduce the use of paper records and documentation (received April 27, 2017); and

DTA,-- paper reduction report.  
SD2182

Report of the Department of Transitional Assistance (pursuant to Section 2(B)(r) of Chapter 18 of the General Laws) submitting its annual report detailing eligible noncitizens receiving Transitional Aid to Families with Dependent Children (TAFDC) (received April 28, 2017).

DTA,-- noncitizen report.  
SD2184

### *Petitions.*

Petitions were severally presented and referred as follows:

By Mr. Brady, a petition (accompanied by bill) (subject to Joint Rule 12) of Michael D. Brady for legislation to further regulate the appointment of certain guardians;

Guardians,-- appointment.  
SD2177

By Ms. Gobi, a petition (accompanied by bill) (subject to Joint Rule 12) of Anne M. Gobi and Donald R. Berthiaume, Jr. for legislation to establish a sick leave bank for Jason Wendover, an employee of the Department of Correction; and

Jason Wendover,-- sick leave.  
SD2178

By the same Senator, a petition (accompanied by bill) (subject to Joint Rule 12) of Anne M. Gobi and Donald R. Berthiaume, Jr. for legislation to establish a sick leave bank for Laurie Wendover, an employee of the Department of Correction;

Laurie Wendover,-- sick leave.  
SD2179

**Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

*Report of a Committee.*

By Mr. James E. Timilty, for the committee on Public Service, on petition, a Bill exempting certain positions in the police department of the town of Millis from the civil service law (Senate, No. 1452) [Local approval received];

Millis,-- civil service law.

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

*Reports of Committees on Proposals for*

*Legislative Amendments to the Constitution.*

Ms. Gobi, for the committee on Election Laws, on the petition (accompanied by proposal, Senate, No. 11) of James B. Eldridge for a legislative amendment to the Constitution to establish an independent redistricting commission,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 11), ought NOT to pass [Senators Jehlen and Fattman dissenting].

Redistricting,-- commission.

The same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 59) of Bradley H. Jones, Jr. and others for a legislative amendment to the Constitution relative to creating an independent redistricting commission,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 59), ought NOT to pass [Senators Jehlen and Fattman and Representative Lombardo of Billerica dissenting].

Id.

The same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 60) of Jay R. Kaufman for a legislative amendment to the Constitution relative to vacancies in the office of Governor or Lieutenant-Governor,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 60), ought NOT to pass [Representatives Hecht of Watertown and Lombardo of Billerica dissenting].

Governor or Lieutenant Governor,-- vacancy.

Mr. Brownsberger, for the committee on the Judiciary, on the petition (accompanied by proposal, Senate, No. 12) of Cynthia S. Creem for a legislative amendment to the Constitution relative to the subject matter of initiative petitions,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 12), ought to pass [Representative Garry of Dracut dissenting].

Initiative petitions.

The same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 13) of Vincent Lawrence Dixon for a legislative amendment to the Constitution for term renewal process,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 13), ought NOT to pass [Senator Ross dissenting].

Term renewal process.

The same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 14) of Richard J. Ross, Citizens for Limited Taxation and Steven S. Howitt for a legislative amendment to the Constitution to prohibit eminent domain,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 14), ought NOT to pass [Senators Jehlen and Ross and Representative Garry of Dracut dissenting].

Eminent domain.

The same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 61) of Thomas A. Golden, Jr. for a legislative amendment to the Constitution relative to term limits for judges,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 61), ought NOT to pass [Senator Ross dissenting].

Judges,-- term limits.

The same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 62) of Bradley H. Jones, Jr. and others for a legislative amendment to the Constitution relative to prohibiting eminent domain takings,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 62), ought NOT to pass [Senators Jehlen and Ross dissenting].

Eminent domain takings.

The same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 63) of Paul W. Mark and others for a legislative amendment to the Constitution to declare rights afforded to the human inhabitants of the Commonwealth are not applicable to corporations, limited liability companies or any other corporate entities,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 63), ought NOT to pass [Senators Creem, Jehlen and Keenan and Representative Garry of Dracut dissenting].

Corporations,-- regulations.

The same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 64) of Paul W. Mark for a legislative amendment to the Constitution to define the succession plan for a vacancy in the office of Lieutenant-Governor,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 64), ought NOT to pass [Senator Ross dissenting].

Lieutenant-Governor,-- vacancy.

The same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 65) of Byron Rushing and Denise Provost for a legislative amendment to the Constitution relative to the subject matter of initiative petitions,-- reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 65), ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2055).

Initiative petitions.

**The reports were severally read and placed on file, in accordance with the requirements of said rule.**

Under the provisions of Joint Rule 23, the following proposal was placed on file, the time within which the said committee was required to report having expired:--

Of the committee on State Administration and Regulatory Oversight, ought NOT to pass (under Joint Rule 23), on the petition (accompanied by proposal, Senate, No. 15) of Bruce E. Tarr for a legislative amendment to the Constitution to require a supermajority vote for the utilization of rainy day funds.

Rainy day fund,-- supermajority vote.

#### PAPERS FROM THE HOUSE.

Messages were severally referred, in concurrence, as follows:

Message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to the 2017 annual town election in the town of Rockport (House, No. 3656);

Rockport,-- election.

#### **To the committee on Election Laws.**

Message from His Excellency the Governor recommending legislation relative

Sexually explicit visual materials,--

to the harmful distribution of sexually explicit visual materials (House, No. 3655);

**To the committee on the Judiciary.**

**Bills**

Establishing a sick leave bank for Elizabeth C. Cox, an employee of the Department of Public Health (House, No. 3645, amended,-- on petition); and

Establishing a sick leave bank for Donald Stuart, an employee of the Department of Correction (House, No. 3647,-- on petition);

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

*Resolutions.*

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

Resolutions (filed by Mr. Cyr) “congratulating George Price on the occasion of his retirement”; and

Resolutions (filed by Ms. Lovely) “commending the Ellen Story Commission on Postpartum Depression on its recognition of Maternal Mental Health Awareness Month.”

PAPERS FROM THE HOUSE

A Bill authorizing the city of Cambridge to use certain land used for park, playground or recreation for other municipal purposes (House, No. 1100,-- on petition) [Local approval received],-- was read.

**There being no objection, the rules were suspended, on motion of Mr. O'Connor, and the bill was read a second time and ordered to a third reading.**

A Bill amending the charter of the town of Acushnet to eliminate residency requirements for town administrator (House, No. 1409-- on petition) [Local approval received],-- was read.

**There being no objection, the rules were suspended, on motion of Mr. O'Connor, and the bill was read a second time and ordered to a third reading.**

A Bill relative to the town manager of the town of Shrewsbury (House, No. 2795,-- on petition) [Local approval received],-- was read.

**There being no objection, the rules were suspended, on motion of Mr. O'Connor, and the bill was read a second time and ordered to a third reading.**

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

Petition (accompanied by bill, House, No. 3657) of Timothy R. Whelan, William J. Crocker, Jr. and others for legislation to further regulate the sharing of certain police reports by investigators of the Department of Children and Families;

**Under suspension of Joint Rule 12, to the committee on Children, Families and Persons with Disabilities.**

Petition (accompanied by bill, House, No. 3658) of James M. Murphy, Joan Meschino and Patrick M. O'Connor for legislation to designate a certain park in the town of Hingham as the Eugene F. Creedon memorial park;

**Under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.**

distribution.

Elizabeth C. Cox,-- sick leave.

Donald Stuart,-- sick leave.

George Price.

Ellen Story Commission on Postpartum Depression.

Cambridge,-- land use.

Acushnet,-- town administrator.

Shrewsbury,-- town manager.

Department of Children and Families,-- police reports.

Hingham,-- Eugene F. Creedon park.

*Order Adopted.*

On motion of Mr. O'Connor,--

*Ordered,* That when the Senate adjourns today, it adjourn to meet again on Wednesday next at one o'clock P.M., in a full formal session without a calendar.

Time of meeting.

PAPER FROM THE HOUSE

*Engrossed Bill*

An engrossed Bill establishing a sick leave bank for Paula Daggett, an employee of the Department of Correction (see Senate, No. 2038) (which originated in the Senate), **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. Boncore) and laid before the Governor for his approbation.**

Bill laid before the Governor.

On motion of the same Senator, at ten minutes past eleven o'clock A.M., the Senate adjourned to meet again on Wednesday next at one o'clock P.M.