

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, January 19, 2016.

Met at ten 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 recited the pledge of allegiance to the flag.

Communication.

Communication from the Office of the Comptroller (pursuant to Section 12(c) of Chapter 7A of the General Laws) submitting its interim filing of the FY15 Comprehensive Annual Financial Report (received January 13, 2016),-- **was placed on file.**

Reports.

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

Report of the Public Employee Retirement Administration Commission (pursuant to Section 21(3)(f) of Chapter 32 of the General Laws) submitting its report pertaining to Cost of Living Adjustments for retirees and beneficiaries (received January 14, 2016);

Report of the Joint Labor-Management Committee (pursuant to Clause (a) of Subdivision 3 of Section 1 of Chapter 589 of the Acts of 1987) submitting its 2015 report relative to dispute resolution (received January 14, 2016); and

Report of the Executive Office of Public Safety and Security (pursuant to Section 131Q of Chapter 140 of the General Laws) submitting its 2015 Massachusetts State Police Crime Gun Survey Report (received January 15, 2016).

Reports of Committees.

By Mr. Keenan, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate Bill concerning the conveyance of certain parcels of land in the City of Revere (Senate, No. 2056),--**ought to pass.**
Under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Moore, for the committee on Higher Education, on Senate, No. 678, in part, a "Bill providing capital funding for public higher education" (Senate, No. 2101);
Read and, under Senate Rule 26C, referred to the committee on Bonding, Capital Expenditures and State Assets

By Mr. Moore, for the committee on Higher Education, on petition, a Bill expanding the community college workforce training incentive program (Senate, No. 657);

By the same Senator, for the same committee, on petition, a Bill relative to uniform financial aid information (Senate, No. 661);
By the same Senator, for the same committee, on petition, a Bill reforming institutional eligibility requirements for state-based financial aid (Senate, No. 662);

By the same Senator, for the same committee, on Senate No. 671 and House No. 1038, a Bill creating a scholarship fund to

increase the number of medical providers who are knowledgeable in autism (Senate, No. 671);
By the same Senator, for the same committee, on petition, a Bill relative to improving graduation rates at public colleges and universities (Senate, No. 673);
By the same Senator, for the same committee, on Senate No. 651 and House No. 1057, a Bill for reimbursement for costs of the 'Learning Contract' (Senate, No. 2097);
By the same Senator, for the same committee, on Senate No. 676 and House No. 1066, a Bill relative to breaking generational cycles of poverty (Senate, No. 2099);
By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 677), a Bill relative to public higher education transfers (Senate, No. 2100); and
By the same Senator, for the same committee, on the residue of Senate, No 678 and Senate Nos. 653, 658, 659, 660 and 663, a "Bill relative to strengthening and expanding affordable, quality higher education **opportunities for residents of the Commonwealth**" (Senate, No. 2102);
Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Committees Discharged

Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration:

Of the Senate Bill creating a special commission on behavior modification (Senate, No. 79); and
Of the Senate Bill establishing a commission on the status of children and youth (Senate, No. 88);

And recommending that the same severally be referred to the committee on Rules.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

PAPER FROM THE HOUSE.

A Message from His Excellency the Governor recommending legislation authorizing the recertification of the fiscal year 2016 tax rate for the town of Holbrook (House, No. 3951),-- **was referred, in concurrence, to the committee on Revenue.**

Bills

Establishing a sick leave bank for Nicole Medina, an employee of the Department of Public Health (House, No. 3874,-- on petition); and

Establishing a sick leave bank for Lisa Hershowitz, an employee of the Department of Developmental Services (House, No. 3876,-- on petition);

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

Bills

Relative to the town of Foxborough (House, No. 3582,-- on petition) [Local approval received];

Relative to the position of highway surveyor in the town of Hanson (House, No. 3738,-- on petition) [Local approval received];
and

Authorizing the city of Springfield to transfer certain property to Habitat for Humanity (House, No. 3948,-- on House, No. 3562) [Local approval received on House, No. 3562];

Were severally 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. 417) of Louis L. Kafka and others that students with diabetes attending public or private schools be permitted to possess certain medical supplies and administer necessary treatments,-- and recommending that the same be referred to the committee on Public Health,-- was considered forthwith, under Senate Rule 36, and accepted, in concurrence.

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:-
Resolutions (filed by Mr. Pacheco) "congratulating Marjorie Olive Ashcroft on her one hundredth birthday."

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That a convention of the two branches be held at a quarter before seven o'clock P.M., on Thursday, January 21, 2016, for the purpose of receiving such communication as the Governor, Charles D. Baker may be pleased to make to them relating to the concerns of the Commonwealth.

The rules were suspended, on motion of the same Senator, and the order was adopted.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A Bill relative to substance use, treatment, education and prevention (House, No. 3947,-- on House, No. 3817),-- **was read. There being no objection, the rules were suspended on the motion, of Mr. Tarr, and the bill was read a second time. Pending the question on ordering the bill to a third reading, Ms. Flanagan presented an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate documents numbered 2103. The amendment was adopted. The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment. Sent to the House for concurrence in the amendment.**

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 establishing a department of municipal finance in the town of Milford (House, No. 3634) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Natick to lease certain town-owned property (House, No. 3645),-- **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Natick to lease certain town-owned property (House, No. 3646),-- **was read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE
Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Tina Jennings, an employee of the Department of Developmental Services (see Senate, No. 2095), 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 Acting President (Mr. DiDomenico) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Jennifer Fitzgibbon, an employee of the Trial Court (see House, No. 3902), 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 Acting President (Mr. DiDomenico) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Elizabeth Missett Browning, an employee of the Trial Court (see House, No. 3913), 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 Acting President (Mr. DiDomenico) and sent to the House for enactment.**

The House Bill relative to authorizing the town of Stoughton to grant 6 licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3695, amended),-- came from the House with the endorsement that the House had concurred in the still further Senate amendment with a still further amendment striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the following:

“SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Stoughton may grant 6 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 located within the town's central business district, as that district is defined by the town's zoning map, as it existed as of May 1, 2014, upon approval of and under conditions set by the licensing authority of the town. The licenses shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority shall not approve the transfer of any license granted pursuant to this act to any location outside of the central business district, but it may grant the license to a new applicant at a location within the central business district provided that the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(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 of the town of Stoughton and the licensing authority may then grant the license to a new applicant at a location within the central business district under the same conditions as specified in this act.

SECTION 2. This act shall take effect upon its passage.”.

The rules were suspended, on motion of Mr. Tarr, and the Senate concurred in the still further House amendment.

The House Bill authorizing the Division of Capital Asset Management and Maintenance to lease a certain parcel of land in the town of Southborough (House, No. 3762, amended),--came from the House with the endorsement that the House had concurred in the Senate amendment in section 1, by striking out, in line 4, the word "shall" and inserting in place thereof the following word:- "may"; and

In said section 1, by striking out the last sentence and inserting in place thereof the following 2 sentences:- "The annual consideration shall be retained by the department of conservation and recreation in account number 2882-1441 and used by the department to offset payments under said section 5G of said chapter 59. The commissioner of capital asset management and maintenance shall place a notification in the central register of the lease and the amount of the transaction." with a further amendment in section 1, in line 4, by striking out the word "may" (inserted by amendment by the Senate) and inserting in place thereof the word "shall" (stricken out by amendment by the Senate).

Senate Rule 36 was suspended, on motion of Mr. Tarr, and the Senate concurred in the further House amendment.

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

Petition (accompanied by bill, House, No. 3952) of Brian M. Ashe and others for legislation to further regulate the practice of sheet metal work;

Under suspension of Joint Rule 12, to the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3953) of James M. Cantwell relative to transferring funds to the Commonwealth Stabilization Fund;

Under suspension of Joint Rule 12, to the committee on Revenue.

Reports of a Committee.

By Mr. Montigny, for the committee on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Benjamin B. Downing and Gailanne M. Cariddi for legislation relative to partition fences.

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 Municipalities and Regional Government.

By Mr. Montigny, for the committee on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Ryan C. Fattman and Kevin J. Kuros for legislation relative to the town of Bellingham and water main easement.

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 State Administration and Regulatory Oversight.

By Mr. Montigny, for the committee on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Brian A. Joyce, William C. Galvin and Louis L. Kafka for legislation relative to the conveyance of certain lands in Stoughton.

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 State Administration and Regulatory Oversight. Severally sent to the House for concurrence.

Engrossed Bills.

The following engrossed bills (the first two of which originated in the Senate), 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:

Relative to the off-street parking board in the city of Worcester (see Senate, No. 2012);

Establishing a sick leave bank for Tina Jennings, an employee of the Department of Developmental Services (see Senate, No. 2095);

Authorizing the town of Norfolk to continue the employment of Fire Chief Coleman Bushnell (see House, No. 3196, amended);

Authorizing the town of Norfolk to continue the employment of Police Chief Charles H. Stone, Jr. (see House, No. 3197, amended);

Establishing a sick leave bank for Jennifer Fitzgibbon, an employee of the Trial Court (see House, No. 3902); and

Establishing a sick leave bank for Elizabeth Missett Browning, an employee of the Trial Court (see House, No. 3913).

Recess.

There being no objection, at twenty-five minutes past eleven o'clock A.M., the Chair (Mr. DiDomenico) declared a recess subject to the call of the chair; and, at nine minutes before two o'clock P.M., the Senate reassembled, Mr. Keenan in the Chair.

PAPER FROM THE HOUSE.

The House Bill relative to substance use, treatment, education and prevention (House, No. 3947, amended),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate, No. 2103) and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Dempsey of Haverhill, Malia of Jamaica Plain and Hunt of East Sandwich have been appointed the committee on the part of the House.

On motion of Mr. Tarr, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Spilka, Flanagan and deMacedo were appointed on the part of the Senate.

The bill was returned to the House endorsed accordingly.

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. Keenan), the members, guests and staff stood in a moment of silence and reflection to the memory of Mary Patricia Kaszanek of Rockland.

Adjourn In Memory of Mary Patricia Kaszanek

The Senator from Norfolk and Plymouth, Mr. Keenan, moved that when the Senate adjourns today, it adjourn in memory of Mary Patricia Kaszanek of Rockland.

Mary Patricia Kaszanek, of Rockland, known to all as Mary Pat, passed away December 23, 2015, at the age of 76 surrounded by family and loved ones.

Mary Pat graduated from Mission Church High School Class of '58. She gave 27 years of distinguished service as the Rockland Town Clerk, commencing in 1987 through her retirement in 2011. Mary Pat was the 7th town clerk in the town's history, earning her Massachusetts and National level certifications for the position from the Salve Regina College in Rhode Island.

Mary Pat was also a Past Treasurer of the Massachusetts Town Clerk Association, and an active member of Tri-County Town Clerks. Mary Pat frequented Rockland classrooms, engaging with high school students to demystify the electoral process and encourage young people to register to vote.

As Town Clerk, Mary Pat was warm, welcoming, incredibly fair, and always helpful, a truly respected public servant.

In her civic life she also played many public roles, including leadership positions as Past President of the Rockland Jaycetts, Past President of the Evening Division of the Rockland Women's Club, active member of Rockland Kiwanis, and a long-standing Member of the Rockland Democratic Town Committee. Mary Pat was an elected delegate to numerous State Conventions and engaged vigorously in political activism at the local level.

As a volunteer leader she served as a Quartermaster of the Rockland Defenders Drum and Bugle Corps, traveling extensively with young musicians to over 30 states across the country. Mary Pat also provided religious education and spiritual guidance through the Holy Family Rockland Confraternity of Christian Doctrine program.

A warm and loyal friend to so many, most importantly Mary Pat was a loving wife, mother and grandmother.

She is survived by her husband of 56 years, James A. Kaszanek, her children Barbara M. Wahlstrom and her husband Kenneth, Celine A. Furlong and her husband Richard, James A. "Jaime" Kaszanek, Jr. all of Rockland and Denise M. Esposito and her husband John of Kingston. She was the sister of Carol M. Dodge of Pembroke, Jean C. Hunt of Dorchester, and the late Helen C. Daley. Mary Pat was the proud grandmother of 12 grandchildren, Andrea Furlong; Richard Furlong Jr. and his wife Brittany; Desiree Tivnan; John, Julianne, Angelina, and Mitchell Esposito; Erik and Morgan Wahlstrom; and, Brendan, Ryan and Liam Kaszanek.

Today the Massachusetts State Senate adjourns in memory of Mary Patricia Kaszanek, in recognition of her lifetime of public service, activism, and the shining example she set for so many in the Rockland community and for her family.

Accordingly, as a mark of respect in memory of Mary Patricia Kaszanek, at five minutes before two o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.