

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, DECEMBER 8, 2016.

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JOURNAL OF THE SENATE.

Thursday, December 8, 2016.

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

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

Pledge of allegiance.

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 of Senator Patrick M. O'Connor (pursuant to Section 6 of Chapter 165 of the Acts of 2014) to the Permanent Commission on the future of municipal beaches;

Municipal beaches.

Communication from the Honorable Bruce E. Tarr, Senate Minority Leader, announcing the appointment of Senator Ryan C. Fattman (pursuant to Chapter 4 of the Resolves of 2016) to the Task Force on Integrity in State and Local Government; and

Integrity in State and Local Government.

Communication from Jean E. Winkler of Greeley, Colorado, urging the Massachusetts Legislature not to include marijuana edibles in the new marijuana law.

Jean E. Winkler,--
marijuana edibles.

Reports of a Committee.

By Mr. Timilty, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Lisa Eppy, an employee of the Department of Children and Families (Senate, No. 2509); and

Lisa Eppy,-- sick
leave.

By the same Senator, for the same committee, on petition, a Bill establishing a sick leave bank for Kristine Schneider, an employee of the Department of Transitional Assistance (Senate, No. 2510);

Kristine Schneider,--
sick leave.

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

Committees Discharged.

Mr. Montigny, for the committee on Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Public Health to make an investigation and study of certain current Senate documents relative to public health issues (Senate, No. 2199), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate No. 1145) of Ryan C. Fattman, Michael O. Moore, John V. Fernandes, Carolyn C. Dykema and others for legislation relative to LSDs (Lysosomal Storage Disorders) in infants,-- and recommending that the same be referred to the Senate committee on Ways and Means.

Lysosomal Storage
Disorders.

Under Senate Rule 36, the report was considered forthwith and accepted.

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Mr. Montigny, for the committee on Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Economic Development and Emerging Technologies to make an investigation and study of certain current Senate documents relative to economic development and emerging technologies issues (Senate, No. 2215),-- reported, in part, asking to be discharged from further consideration

Economic Development and Emerging Technologies,-- study.

Of the petition (accompanied by bill, Senate, No. 227) of William N. Brownsberger for legislation relative to parole eligibility; and

Plant,-- relocation.

Of the petition (accompanied by bill, Senate, No. 228) of Jason M. Lewis for legislation relative to prejudgment interest rates;

Plant closings,-- health care.

And recommending that the same severally be referred to the Senate committee on Ways and Means.

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

Mr. Montigny, for the committee on Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Public Service to make an investigation and study of certain current Senate documents relative to public service issues (Senate, No. 2314),-- reported, in part, asking to be discharged from further consideration

Public Service,-- study.

Of the petition (accompanied by bill, Senate, No. 1420) of Richard J. Ross and Elizabeth A. Poirier for legislation relative to retirement board membership; and

Retirement board membership.

Of the petition (accompanied by bill, Senate, No. 1421) of Richard J. Ross and Elizabeth A. Poirier for legislation relative to Group 1, Group 2 or Group 4 employees with creditable service to serve on retirement boards;

Retirement boards,-- creditable service.

And recommending that the same severally be referred to the Senate committee on Ways and Means.

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

Petition.

Ms. Gobi presented a petition (accompanied by bill) (subject to Joint Rule 12) of Anne M. Gobi, Susannah M. Whipps Lee, Eric P. Lesser, Ellen Story and others for legislation to designate a certain boat launch area in the town of Pelham as the William E. Pula fishing area;

Pelham,-- William E. Pula fishing area. SD2762

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

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4752) of Paul J. Donato, Patricia D. Jehlen and others (with the approval of the mayor and city council) that the city of Medford be authorized to increase the number of licenses for the sale of wines and malt beverages to be drunk on the premises in the city of Medford from twenty-five to forty;

Medford,-- liquor license.

To the committee on Consumer Protection and Professional Licensure.

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Petition (accompanied by bill, House, No. 4748) of Paul W. Mark (by vote of the town) that the town of Leyden be authorized to continue the employment of Daniel J. Galvis, chief of the police department of said town; and

Leyden,-- police chief.

Petition (accompanied by bill, House, No. 4749) of Alice Hanlon Peisch, Carmine L. Gentile and Richard J. Ross (by vote of the town) that the town of Wayland be authorized to exempt all police personnel from the civil service law;

Wayland,-- police personnel.

Severally to the committee on Public Service.

Bills

Establishing a sick leave bank for Philippe Fauche, an employee of the Department of Mental Health (House, No. 3721, amended,-- on petition); and

Philippe Fauche,- sick leave.

Establishing a sick leave bank for Alicia Harmon, an employee of the Massachusetts Rehabilitation Commission (House, No. 4730, amended,-- on petition);

Alicia Harmon,- sick leave.

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 Ms. Chang-Diaz, Mr. Ross, Ms. Forry, Ms. Creem and Messrs. Barrett and Lewis) “congratulating the Metropolitan Council for Educational Opportunity (METCO), Inc. on its 50 years of service to the students of the Commonwealth”;

Metropolitan Council for Educational Opportunity (METCO), Inc.

Resolutions (filed by Mr. deMacedo) “congratulating Constance Dilego on her retirement”;

Constance Dilego.

Resolutions (filed by Mr. Ross) “congratulating John Henry Broderick IV of the town of Wayland on his elevation to the rank of Eagle Scout”;

John Henry Broderick IV.

Resolutions (filed by Mr. Ross) “congratulating Matthew Anthony Ludwig of the town of Wayland on his elevation to the rank of Eagle Scout”;

Matthew Anthony Ludwig.

Resolutions (filed by Mr. Ross) “congratulating Richard Sabbatino Ravosa III of the town of Wayland on his elevation to the rank of Eagle Scout”;

Richard Sabbatino Ravosa III.

Resolutions (filed by Mr. Ross) “congratulating Henry Mitchell Rice of the town of Wayland on his elevation to the rank of Eagle Scout”; and

Henry Mitchell Rice.

Resolutions (filed by Mr. Ross) “congratulating Alexander Valente Torres of the town of Wayland on his elevation to the rank of Eagle Scout.”

Alexander Valente Torres.

Recess.

There being no objection, at ten minutes past eleven o'clock A.M., the Chair (Mr. Rush) declared a recess subject to the call of the Chair; and, at eleven minutes past eleven o'clock A.M., the Senate reassembled, Ms. Forry in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Recess.

Reports of Committees.

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that the Senate petition of Barbara A. L'Italien (by vote of the town) for legislation to create a municipal services facility mitigation fund for the town of Andover,-- has complied with the provisions of Joint Rule 7B, and has received

Andover,-- mitigation fund.

local approval from the town.

The rules were suspended, on motion of Mr. Rush, and the report was considered forthwith. The petition (accompanied by bill, Senate, No. 2511) was referred to the committee on Municipalities and Regional Government.

Sent to the House for concurrence.

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 Eileen M. Donoghue for legislation to establish a sick leave bank for Richard Hasbrouck, an employee of the Department of Correction.

Richard Hasbrouck,--
sick leave.
SD2738

The rules were suspended, on motion of Mr. Rush, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

Sent to the House for concurrence.

Mr. Montigny, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill relative to prescription eye drops (House, No. 4195, amended) (the committee on Rules having recommended that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2512; and by striking out the title and inserting the following title: "An Act relative to eye care").

Prescription eye
drops.

There being no objection, the rules were suspended, on motion of Mr. O'Connor, and the bill was read a second time and was amended, as recommended by the committee on Rules.

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.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill authorizing the sale of farmer-distiller products at farmers' markets (Senate, No. 138, changed),-- ought to pass, with an amendment substituting a new draft entitled "An Act relative to the sale of alcoholic beverages at farmers' markets" (Senate, No. 2513).

Farmers markets,--
sales.

There being no objection, the rules were suspended, on motion of Mr. Rush, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2513) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Nereida Prats, an employee of the Department of Developmental Services (Senate, No. 2506),-- ought to pass, with an amendment by inserting before the enacting clause the following emergency preamble:-

Nereida Prats,--
sick leave.

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of developmental services, therefore it is hereby declared to be an

emergency law, necessary for the immediate preservation of the public convenience.”.

There being no objection, the rules were suspended, on motion of Mr. O’Connor, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2506, amended) was then ordered to a third reading, read a third time and passed to be engrossed.

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 Jennifer Gay, an employee of the Department of Developmental Services (House, No. 4366, amended),-- ought to pass.

Jennifer Gay,--
sick leave.

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

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 relative to the assessment of local property taxes in the town of Westwood (House, No. 4573),-- was read a third time.

Westwood,--
property tax.

Pending the question on passing the bill to be engrossed, Mr. Rush offered an amendment in section 1, by striking out subsections (b) to (d), inclusive.

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.

PAPERS FROM THE HOUSE

A Bill authorizing the retirement board of the City of Cambridge to grant creditable service to Kenneth T. Mui, Andrew Topouzoglou, Steven DeMarco, and Anthony Cacciola (House, No. 3288, amended,-- on petition) [Local approval received],-- was read.

Cambridge,--
retirement board.

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 establishing a senior means-tested property tax exemption in the town of Concord (House, No. 4473, amended,-- on petition) [Local approval received],-- was read.

Concord,-- tax
exemptions.

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

Engrossed Bills.

The following engrossed bills (both of which originated in the House), 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 (Ms. Forry) and laid before the Governor for his approbation, to wit:

Relative to special police officers in the city known as the town of Weymouth

Bills laid before the

(see House, No. 4527); and

Governor.

Designating a certain bridge in the town of Freetown as the Senator Joan M. Menard Overpass (see House, No. 4628, changed and amended).

Order Adopted.

On motion of Mr. Rush,--

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.

Time of meeting.

Moment of Silence.

At the request of the Chair (Ms. Forry), the members, guests and staff stood in a moment of silence and reflection to the memory of Eleanor (Applebaum) Myerson.

Moment of silence.

Adjourn In Memory of Eleanor (Applebaum) Myerson

The Senator from Middlesex and Norfolk, Ms. Creem moved that when the Senate adjourns today, it adjourn in memory of Brookline and Cataumet resident Eleanor (Applebaum) Myerson, who died November 20, 2016 at the age of 94.

A very progressive and well-liked activist, Ms. Myerson was a dynamic member of town and Democratic politics. She served three terms on the Brookline Board of Selectmen and four terms (1983-1991) representing the 11th Suffolk district (Brookline/Boston) in the State Legislature.

After graduating from Brookline High School, Ms. Myerson went to Smith College, from which she received a bachelor's degree in 1943. While still a student, she married developer Morton Myerson in 1942. They were married for more than 71 years when he died in 2014.

Joining the Democratic Party while working on Adlai Stevenson's presidential campaign in 1952, Ms. Myerson became a Brookline Town Meeting member prior to being one of the first women elected to Brookline's Board of Selectmen, which she eventually chaired.

Mrs. Myerson, who was 60 when she was initially elected to the House, was active in housing and tenant issues on the town and state levels and advocated in the Legislature on behalf of elder services and adult literacy.

In July 1983, she was named chairwoman of the Massachusetts Caucus of Women Legislators at a time when only 26 women served in the Legislature, or 13.5 percent – 20 in the House, six in the Senate. Women in the Legislature had formed the group in 1975 to work together on issues of common concern.

Choosing to not run after 4 terms, Ms. Myerson and her husband retired in 1989 to Cataumet, where they had spent summers since 1972. Mrs. Myerson was a member of the Cataumet Club, the Cataumet Civic Association and the Pocasset Golf Club.

Former governor Michael Dukakis referred to Ms. Myerson as "quite a force. She was part of a hardy band of younger Democrats who decided to assume responsibility of the Democratic Party in Brookline, and they proceeded to do great things."

Eleanor Applebaum Myerson will be deeply missed by her daughter, Ann Myerson of Brookline, her son and daughter-in-law, Joseph Myerson and Lynne

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Johnson of Bolton, two sisters-in-law, Harriet Myerson of Newton and Betty Appleton of Natick, numerous nephews and nieces, and members of the Brookline and Cataumet communities.

Accordingly, as a mark of respect in memory of Eleanor (Applebaum) Myerson, at twenty-four minutes past eleven o'clock A.M., on motion of Mr. O'Connor, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.
