

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



TUESSDAY, DECEMBER 27, 2016.

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JOURNAL OF THE SENATE.

Tuesday, December 27, 2016.

Met at ten 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.

Pledge of allegiance.

Reports of a Committee.

By Mr. Timilty, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Paula Daggett, an employee of the Department of Correction (Senate, No. 2518); and

Paula Daggett,-- sick leave.

By the same Senator, for the same committee, on petition, a Bill establishing a sick leave bank for Shalonda Hall, an employee of the Department of Public Health (Senate, No. 2519);

Shalonda Hall,-- sick leave.

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

PAPER FROM THE HOUSE.

A Bill establishing a sick leave bank for Robert Hackett, an employee of the Department of Revenue (House, No. 4740, amended,-- on petition),-- was read and, under Senate Rule 27, referred to the committee on Ways and Means.

Robert Hackett,-- sick leave.

Resolutions.

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

Resolutions (filed by Mr. Pacheco) "congratulating Noah A. Burke of the city of Taunton on his elevation to the rank of Eagle Scout."

Noah A. Burke.

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 providing for employment contracts for appointed municipal assessors, treasurers and collectors (House, No. 1832) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

Municipal employees,-- contracts.

Pending the question on passing the bill to be engrossed, Ms. Creem presented an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2521.

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 providing that future members of the police force in the town

Sharon,-- police

of Sharon shall be exempt from the civil service law (House, No. 4338) (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.**

force.

The House Bill authorizing the town of Plymouth to establish an environmental affairs fund (House, No. 4375) (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.**

Plymouth,--
environmental
affairs.

The House Bill providing for post-employment benefits for school bus drivers in the city of Pittsfield (House, No. 4763),-- **was read a third time and passed to be engrossed, in concurrence.**

Pittsfield,-- school
bus drivers.

Reports of a Committee.

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 Senate Bill relative to child passenger safety (Senate, No. 1848) (the committee on Rules having recommended that the bill be amended by substituting a new draft with the same title, Senate, No. 2520).

Child passenger
safety.

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

The bill (Senate, No. 2520) was then ordered to a third reading.

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 massage therapy services on Sundays and holidays (House, No. 169).

Massage therapy
services.

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.

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 special alcohol licenses for nonprofit charitable corporations (House, No. 248, amended).

Nonprofit charitable
organizations,--
alcohol licenses.

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

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 the used vehicle record book (House, No. 3074, amended).

Used vehicle record
book.

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.

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 further regulating the reserve fund for credit unions (House, No. 4193).

Credit unions,--
reserve fund.

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

PAPERS FROM THE HOUSE.

The House Bill authorizing the lease or other disposition of certain parcels of land in the city of Boston (House, No. 4468),-- came from the House with the endorsement the House had NON-concurred in the Senate amendment striking out section 3 in its entirety, and inserting in place thereof the following 3 sections:-

“SECTION 3. Notwithstanding any general or special law to the contrary, the Massachusetts Department of Transportation may convey to entities which have been designated by the department all or a portion of parcels of land in the city of Boston, Suffolk county, Massachusetts being further described as those certain parcels of land with the improvements located thereon referred to as Parcel 15 and situated at Boylston Street, Cambria Street, Dalton Street and St. Cecilia Street, in the city of Boston, county of Suffolk, and commonwealth of Massachusetts being more particularly described as Parcel B2-9 shown on Land Court plan no. 20418B, filed with said registry district with certificate of title no. 84478; Parcels B2-9, B2-10, B2-11, B2-12, B2-13, B2-14, B2-15 and B2-16 and a portion of Parcel B2-17, shown on Taking Plan for Order of Taking B2, recorded in book 7655, page 576.

SECTION 4. Notwithstanding any general or special law to the contrary, the Massachusetts Department of Transportation may convey to entities which have been designated by the department all or a portion of parcels of land in the city of Boston, Suffolk county, Massachusetts being further described as those certain parcels of land with the improvements located thereon, referred to as Parcel 12 and situated at Boylston Street, Massachusetts Avenue and Newbury Street in the city of Boston, county of Suffolk, and commonwealth of Massachusetts being more particularly described as Parcel B1-13, B1-14 & B1-15 shown on Order of Taking Plan No. B1, as shown on book 7639, page 50; a portion of Parcel B2-1, Parcels B2-2, B2-3, B2-4, B2-5 and B2-6 shown on Order of Taking Plan No. B2 in book 7655, page 576; being also shown on a Taking Plan No. B50, recorded at book 7710, page 172; excluding Lot 100 shown on plan in book 2014, page 202; excepting a lot containing 81 sq. ft. shown on plan at book 8599, page 724; and excepting Taking 72 sq. ft. shown on plan in book 8617, page 44.

SECTION 5. An independent appraisal of the fair market value and value in use of the parcels described in sections 1, 3 and 4 shall be prepared in accordance with the usual and customary professional appraisal practices by a qualified appraiser commissioned by the Massachusetts Department of Transportation. Consideration for the grant of the interests in sections 1, 3 and 4 shall be the full and fair market value or the value in proposed use, whichever is greater, as determined by the department, and calculated with regard to the full development potential as assembled with other lands owned or otherwise controlled by the grantees. The department shall submit any appraisals to the inspector general for the inspector general’s review and comment. The inspector general shall review and approve the appraisals, and the reviews shall include an examination of the methodology utilized for the appraisals. The inspector general shall prepare reports of the review and file the reports with the department for submission by the department to the senate and house committees on ways and means and the senate and house chairs of the joint committee on state administration and regulatory oversight. The secretary of transportation shall submit copies of the appraisals and the inspector general’s reviews and approvals and any comments to the senate and

Boston,-- land lease.

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house committees on ways and means and the senate and house chairs of the joint committee on state administration and regulatory oversight at least 30 days prior to the execution of any documents effecting the transfers described in sections 1, 3 and 4.”

The rules were suspended, on motion of Ms. Chandler, and, on further motion of Mr. Tarr, the Senate receded from its amendment.

A Bill authorizing the city of Woburn to grant additional licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 4708,-- on House, No. 4644) [Local approval received on House, No, 4644],-- was read.

Woburn,-- liquor license.

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

A Bill relative to the contributions of certain employees in the town of Kingston (House, No. 4712, amended,-- on petition) [Local approval received],-- was read.

Kingston,-- employee contributions.

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 New Bedford Police Association (House, No. 4734, amended,-- on petition),-- was read.

New Bedford Police Association.

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

A Bill exempting all police officer positions within the police department of the town of North Reading from the civil service law (House, No. 4747,-- on petition) [Local approval received],-- was read.

North Reading,-- police civil service.

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

A Bill exempting all police officers in the police department in the town of Wayland from the civil service law (House, No. 4749, amended,-- on petition) [Local approval received],-- was read.

Wayland,-- police civil service.

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 establishing an appointed town clerk in the town of West Boylston (House, No. 4761,-- on petition) [Local approval received],-- was read.

West Boylston,-- town clerk.

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 Nantucket Islands Land Bank Act (House, No. 4775,-- on House, No. 4315) [Local approval received on House, No. 4315],-- was read.

Nantucket Islands Land Bank Act.

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

A Bill authorizing the city of Salem to convert 1 seasonal license for the sale of all alcoholic beverages to be drunk on the premises to an annual license for the sale of all alcoholic beverages to be drunk on the premises and to grant 2 additional licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 4776,-- on House, No. 4737) [Local approval received on House, No. 4737],--

Salem,-- liquor licenses.

was read.

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

Emergency Preambles.

An engrossed Resolve examining Commonwealth procurement policies relative to Congo conflict minerals (see Senate, No. 2463, amended), 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 3 to 0.

Congo,-- conflict minerals.

The bill was signed by the Acting President (Mr. Brownsberger) and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Irene Carr, an employee of the Division of Professional Licensure (see House, No. 4556), 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 3 to 0.

Irene Carr,-- sick leave.

The bill was signed by the Acting President (Mr. Brownsberger) and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Henry Clodius, an employee of the Department of Correction (see House, No. 4732), 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 3 to 0.

Henry Clodius,-- sick leave.

The bill was signed by the Acting President (Mr. Brownsberger) and sent to the House for enactment.

Engrossed Bills.

The following engrossed bills (the first 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. Brownsberger) and laid before the Governor for his approbation, to wit:

Relative to performance of work on hydrants and certain components of fire protection sprinkler systems (see Senate, No. 2124);

Bills laid before the Governor.

Further regulating the interest rate on sewer assessments in the town of Stoughton (see House, No. 3561);

Establishing a sick leave bank for Cecile Ferrie, an employee of the Department of Correction (see House, No. 4249, amended);

Amending the charter of the Town of Nantucket relative to newspaper publication of town meeting warrants (see House, No. 4318);

Establishing an appointed Highway Superintendent in the town of Plympton (see House, No. 4531);

Establishing a sick leave bank for Irene Carr, an employee of the Division of

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Professional Licensure (see House, No. 4556);

Authorizing the town of Tisbury to convert certain licenses for the sale of wines and malt beverages to be drunk on the premises to licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4594); and

Establishing a sick leave bank for Henry Clodius, an employee of the Department of Correction (see House, No. 4732).

Resolve Passed.

An engrossed Resolve examining Commonwealth procurement policies relative to Congo conflict minerals (see Senate, No. 2463, amended) (which originated in the Senate), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed and signed by the Acting President (Mr. Brownsberger) and laid before the Governor for his approbation.**

Resolve laid before the Governor.

Recess.

There being no objection, at twenty-three minutes before twelve o'clock noon, the Chair, Mr. Brownsberger declared a recess subject to the call of the Chair; and, at twenty minutes past two o'clock P.M., the Senate reassembled, Ms. Chandler in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Recess.

PAPER FROM THE HOUSE.

A Bill authorizing the transfer of certain parcels of land in the city of Worcester to promote economic development (House, No. 4774,-- on petition),-- was read.

Worcester,--
economic
development.

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.

Report of Committees.

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rules 9 and 12 be suspended on the Senate petition of Anthony W. Petrucci for legislation to provide for the abandonment of a certain water line easement in Revere and Malden.

Malden and Revere,--
easement.
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The rules were suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rules 9 and 12 were suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight.

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4777) of Chris Walsh for legislation to establish a sick leave bank for Iqbal Shahzad, an employee of the Department of Public Health,-- **was referred in concurrence, under suspension of Joint Rule 12, to the committee Public Service.**

Iqbal Shahzad,--
sick leave.

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 designating the Westfield division of the district court of western Hampden as the John M. Greaney Courthouse (House, No. 1642) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

Westfield,--
John M. Greaney
Courthouse.

Pending the question on passing the bill to be engrossed, Mr. Humason presented an amendment striking out all after the enacting clause and inserting in place thereof the following text:-

“SECTION 1. Notwithstanding the physical location of the Westfield division of the district court of western Hampden, the Westfield division of the district court of western Hampden shall be designated and known as the John M. Greaney district court in honor of John M. Greaney, who served as associate justice of the supreme judicial court and as chief justice of the appeals court. The division of capital asset management and maintenance shall erect and maintain a suitable marker bearing that designation in compliance with the standards of the division and as may be authorized pursuant to a lease agreement for the Westfield division of the district court of western Hampden.

SECTION 2. Nothing in this act shall be construed to be a taking of an interest in the real property leased by the commonwealth for the operation of the Westfield division of the district court of western Hampden.”

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 amending the charter of the city known as the town of Greenfield (House, No. 4003),-- **was read a third time and passed to be engrossed, in concurrence.**

Greenfield,-- charter.

The House Bill establishing a senior means-tested property tax exemption in the town of Concord (House, No. 4473, amended),-- **was read a third time and passed to be engrossed, in concurrence.**

Concord,-- property
tax.

The House Bill authorizing the city of Everett to establish a linkage fee revolving fund (House, No. 4754),-- **was read a third time and passed to be engrossed, in concurrence.**

Everett,-- linkage fee
revolving fund.

The House Bill concerning long-term homeowners in the city of Boston (House, No. 4571),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Boston,-- long-term
homeowners.

PAPERS FROM THE HOUSE.

Emergency Preamble.

An engrossed Bill authorizing the transfer of certain parcels of land in the city of Worcester to promote economic development (see House, No. 4774), 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.

Worcester,--
economic
development.

The bill was signed by the Acting President (Ms. Chandler) and sent to the House for enactment.

Engrossed Bills.

The following engrossed bills (all 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. Chandler) and laid before the Governor for his approbation, to wit:

Correcting a procedural omission regarding actions against certain decedents under the Uniform Probate Court (see House, No. 1194, amended);

Providing that future members of the police force in the town of Sharon shall be exempt from the civil service law (see House, No. 4338);

Authorizing the town of Plymouth to establish an environmental affairs fund (see House, No. 4375);

Authorizing the lease or other disposition of certain parcels of land in the city of Boston (see House, No. 4468, amended); and

Providing for post-employment benefits for school bus drivers in the city of Pittsfield (see House, No. 4763);

Bills laid before the Governor.

Bill Enacted.

An engrossed Bill authorizing the transfer of certain parcels of land in the city of Worcester to promote economic development (see House, No. 4744) (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 (Ms. Chandler).**

Worcester,--
economic
development.

Order Adopted.

On motion of Mr. Keenan,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Time of meeting.

Adjourn In Memory of Dr. Robert I. Sperber.

The Senator from Middlesex and Norfolk, Ms. Creem, presented a motion that when the Senate adjourns today, it adjourn in memory of Brookline resident Dr. Robert I. Sperber who died December 21, 2016.

Dr. Sperber is the former superintendent of Brookline schools. During his 18-year tenure there, he introduced Holocaust education, METCO, School within a School, and the Brookline Education Foundation. He culminated his 50-year career in education as professor emeritus of urban education at Boston University. Dr. Sperber received his doctorate and masters from Teachers College at Columbia University.

Dr. Sperber was active in the Brookline community, serving as director of the senior center board, clerk of the Brookline teen center board, founder and member of the economic development advisory board, and a former trustee of the Brookline community foundation. He is also a town meeting member.

Dr. Sperber was the devoted husband of the late Edith Winter Sperber for 54 years. He will be deeply missed by his children, Matthew, Laurence and Beth, and

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their spouses, his grandchildren and the Brookline community.

Accordingly, as a mark of respect in memory of Dr. Robert I. Sperber, at three o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again tomorrow at eleven o'clock A.M.
