

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**THURSDAY, AUGUST 31, 2017.**

JOURNAL OF THE SENATE.

Thursday, August 31, 2017.

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

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

Pledge of allegiance.

Distinguished Guests.

There being no objection, the Chair (Mr. Boncore) handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced, in the rear of the Chamber, former Senate Minority Leader David H. Locke. He was also the guest of Senate President Rosenberg and was visiting the State House to work on an oral history project. The Senate welcomed him with applause and he withdrew from the Chamber.

Senator David H. Locke.

Communication.

Communication from the Office of the Comptroller (pursuant to Section 5 of Chapter 62F of the General Laws) submitting its letter to certify certain State Tax Revenues for Fiscal Year 2017 (received August 29, 2017),-- was placed on file.

Comptroller,-- FY17 state tax revenues. SD2316

Report.

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

Report of the Massachusetts Office for Victim Assistance (pursuant to Section 47 of Chapter 260 of the Acts of 2014) submitting the final recommendation of the Special Commission to Study Shelter and Housing Options for Domestic and Sexual Violence Victims (received August 28, 2017); and

MOVA,-- housing and shelter study commission. SD2315

Report of the Department of Public Health (pursuant to Chapter 313 of the Acts of 2010) submitting its summary of calendar year 2016 activities related to screening for postpartum depression (received August 30, 2017).

Report of a Committee.

By Ms. Friedman, for the committee on Public Service, on petition, a Bill exempting the position of police captain in the Town of Hull from the provisions of the civil service law (Senate, No. 2086) [Local approval received];

Hull,-- civil service law.

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

PAPERS FROM THE HOUSE

A petition (accompanied by bill, House, No. 3892) 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 issue certain licenses to the Chevalier Theatre for the sale of food and alcoholic beverages,-- was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.

Chevalier Theatre,-- Medford.

**UNCORRECTED PROOF.**

A Bill establishing a sick leave bank for Cam-ly Escobar, an employee of the Department of Children and Families (House, No. 3884,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Cam-ly Escobar,--  
sick leave.

*Resolutions.*

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

Resolutions (filed by Messrs. Rosenberg and Hinds, Ms. Gobi, and Messrs. Humason, Lesser and Welch) “congratulating the Hampshire, Franklin and Hampden Agricultural Society on its two hundredth anniversary”;

The Hampshire,  
Franklin and Hamp-  
den Agricultural  
Society.  
Tyler Alexander  
Smith.

Resolutions (filed by Mr. Ross) “congratulating Tyler Alexander Smith of the town of Needham on his elevation to the rank of Eagle Scout”; and

Resolutions (filed by Ms. Spilka) “congratulating Maxwell R. Day of the town of Ashland on his elevation to the rank of Eagle Scout.”

Maxwell R. Day.

*Messages from the Governor.*

Messages were severally read and referred as follows:

Message from His Excellency the Governor (pursuant to Article II, Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation to validate certain proceedings of the town of Hull (Senate, No. 2157) (received in the office of the Clerk of the Senate on Tuesday, August 29, 2017 at a half past one o'clock P.M.);

Hull,--  
annual town meeting.

**To the committee on Municipalities and regional Government.**

A message from His Excellency the Governor recommending legislation relative to updating laws relating to dangerous drugs and protecting witnesses (Senate, No. 2158) (received in the office of the Clerk of the Senate on Wednesday, August 30, 2017 at ten minutes before two o'clock P.M.);

Dangerous drugs and  
witness protection.

**To the committee on the Judiciary.**

**Severally sent to the House for 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 Senate Bill authorizing the appointment of retired police officers as special police officers in the city of Taunton (Senate, No. 2034),-- was read a third time.

Taunton,-- special  
police officers.

Pending the question on ordering passing the bill to be engrossed, Mr. Pacheco presented an amendment in section 1, by striking out the fourth sentence and inserting in place thereof the following sentence:- “A retired police officer shall not be initially appointed as a special police officer under this act if that officer has been retired for more than 4.5 years; provided, however, that an officer who has been retired for more than 4.5 years but was appointed as a constable before the effective date of this act may be appointed as a special police officer.”;

In said section 1, by striking out, in line 12, the figure “68” and inserting in place thereof the following figure:- “70”;

In section 2, by striking out, in line 19, the words “, chapter 150E or chapter 151A” and inserting in place thereof the following words:- “or chapter 150E”; and

In section 4, by striking out, in lines 27 and 28, the words “upon the officer’s 68th birthday” and inserting in place thereof the following words:- “when that

officer reaches the age of 70”.

**The amendment was adopted**

**The bill (Senate, No. 2034, amended) was then passed to be engrossed.**

**Sent to the House for concurrence.**

*Reports of Committees.*

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for David Lamkin, an employee of the Department of Correction (Senate, No. 2117),-- ought to pass, with an amendment inserting before the enacting clause the following emergency preamble:-

“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 correction, 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. Tarr, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.**

**The bill (Senate, No. 2117, amended) was the ordered to third reading, read a third time and passed to be engrossed, in concurrence.**

**Sent to the House for concurrence.**

David Lamkin,--  
sick leave.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Matthew McGaughran, an employee of the Department of Correction (Senate, No. 2123),-- ought to pass, with an amendment inserting after the word “McGaughran”, in line 4, the first time it appears, the following words:- “to care for his spouse”.

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

**The bill (Senate, No. 2123, amended) was the ordered to third reading, read a third time and passed to be engrossed, in concurrence.**

**Sent to the House for concurrence.**

Matthew  
McGaughran,--  
sick leave.

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 Richard J. Ross and Jeffrey N. Roy for legislation relative to the protection of service animals.

**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.**

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 Jason M. Lewis for legislation to require the disclosure of lead in water pipes to prospective purchasers of premises.

**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.**

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 Richard J. Ross and Elizabeth A. Poirier for legislation to establish a sick leave bank for Donna Paul, an employee of the Department of Correction.

Service animals,--  
protection.  
SD2314

Water pipes,--  
disclosure of lead.  
SD2299

Donna Paul,--  
sick leave.  
SD2312

**UNCORRECTED PROOF.**

**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 Public Service.**

**Sent to the House for concurrence.**

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3893) of Chris Walsh and others relative to the calculation of fines by the Department of Industrial Accidents upon issuance of stop work orders upon certain businesses,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Labor and Workforce Development.**

Stop work orders,--  
fines.

*Reconsideration.*

Mr. Tarr moved that the Senate reconsider the vote by which, at a previous session, it had adopted the Senate Order establishing a Special Senate Task Force on local retail (Senate, No. 2136); and, there being no objection, the motion prevailed.

Task force,-- local  
retail.

Pending the recurring question on adoption of the order, Messrs. Rosenberg and Tarr moved to amend the order in line 8 by striking out the figure "13" and inserting in place thereof the figure "15"; and by inserting after the word "Massachusetts" in line 12 the following words:- ", 1 member representing the Massachusetts AFL-CIO, and 1 member representing the Massachusetts State Council of the Service Employees International Union".

**The amendment was adopted.**

**The order (Senate, No. 2136, amended) was then again adopted..**

*Order Adopted.*

On motion of Mr. Tarr,--

*Ordered,* That when the Senate adjourns today, it adjourn to meet again on Tuesday 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 (Mr. Boncore), the members, guests and staff stood in a moment of silence and reflection to the memory of Neil L. Chayet.

Moment of silence.

*Adjourn In Memory of Neil L. Chayet.*

The Senator from Essex, Ms. Lovely, and the Senator from Essex and Middlesex, Mr. Tarr, moved that when the Senate adjourn today it do so in memory of Neil L. Chayet, of Salem.

Neil L. Chayet passed away on August 11, 2017 at the age of 78. A graduate of Tufts University and Harvard Law School, he recently retired after 42 years with CBS News Radio, and his legendary daily program, "Looking at the Law" recording more than 10,000 episodes. He was a wordsmith with a flair for puns, able to turn a phrase to make an otherwise dry legal topic entertaining and memorable.

A native of Boston, Neil came from a family that valued education, history, and service. His father was also an attorney who became a Judge, and his mother

brought a deep devotion to the Jewish faith and people. Theirs was the story of the American Dream. Family always remained central in Neil's life.

Earlier in his law career, Chayet played a high-profile role in the commission investigating the Boston Strangler murders in the 1960s. He was an advocate for the idea of community mental health. He has long worked as a consultant on health-related issues for the pharmaceutical and healthcare industries.

A sought-after public speaker, Neil delivered countless speeches and lectures. Neil practiced health law, authored four books, and served on numerous boards including Massport Security Advisory Council and the Whitehead Institute for Biomedical Science. A former Trustee of Tufts University, he was on the Faculty at Harvard Medical School Department of Psychiatry at McLean Hospital for 30 years.

A member of the Manchester Yacht Club, Neil enjoyed his 1946 Hinckley sloop, "Breeze" and his DownEast power boat, "Sooner."

Neil was the son of the late Judge Ely Chayet and Blanche (Poretsky) Chayet. He leaves his wife of 37 years, Martha Chayet; two sons, Michael R. Chayet of Weston, Connecticut and Ely Todd Chayet of Calabasas California, and his daughter, Lisa Chayet Sahlberg of Raymond, Maine, formerly of Duxbury. He also leaves his daughters-in-law, Julie Min Chayet and Kathy Lyon Chayet, and son-in-law, Jon Sahlberg; and his five grandchildren, Max, Hannah, and Sarah Chayet; and Brett and Linnea Sahlberg.

Accordingly, as a mark of respect in memory of Neil L. Chayet, at twenty-nine minutes before twelve o'clock noon, on motion of Mr. Tarr, the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.