

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, SEPTEMBER 14, 2017.

JOURNAL OF THE SENATE.

Thursday, September 14, 2017.

Met at fourteen 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 then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Communication.

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 (pursuant to Senate, No., 2136, amended) of Mr. Christopher Carlozzi, the Massachusetts State Director for the National Federation of Independent Business to the Special Senate Taskforce to review and report on efforts to strengthen the local retail sector in the Commonwealth; and

Senate Taskforce on
Local Retail Sector.

Communication from the Executive Office of Public Safety and Security submitting a copy of the FY2017 Byrne Memorial Justice Assistance Grant Application (received September 12, 2017).

EOPSS,-- FY17
assistance grant
application.
SD2327

Report.

Report of the Department of Elementary and Secondary Education (pursuant to Section 432 of Chapter 159 of the Acts of 2000) submitting its 2015-2016 annual report on students with disabilities (copies having been forwarded as required to the Senate Committee on Ways and Means and Joint Committee on Education) (received September 11, 2017),-- **was placed on file.**

DESE,-- students
with disabilities
report.
SD2326

Reports of Committees.

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on Senate, Nos. 465, 467 and 478 and House, Nos. 427, 461 and 2125, a Bill relative to a moratorium on hydraulic fracturing (Senate, No. 478, changed in Section 4, in lines 23 and 24, by striking out the words "'Oil and gas', oil and gas collectively, or either oil or gas, as the context may require to give effect to the purposes of this chapter.");

Hydraulic fracturing,-
- moratorium.

Read and, under Senate Rule 26D, referred to the committee on Global Warming and Climate Change.

By Mr. Moore, for the committee on Municipalities and Regional Government, on petition, a Bill authorizing the Brookfield Housing Authority to convey a certain parcel of land and the buildings thereon (Senate, No. 2146); and

Brookfield Housing
Authority.

By the same Senator, for the same committee, on a message from His Excellency the Governor, a Bill validating certain proceedings of the town of Hull (printed in Senate, No. 2157);

Hull,-- annual town
meeting.

Severally read and, under Senate Rule 26, referred to the committee on Rules.

By Mr. Moore, for the committee on Municipalities and Regional Government, on petition, a Bill relative to the town charter of Wareham (Senate, No. 2144) [Local approval received];

Wareham,-- town charter.

By the same Senator, for the same committee, on petition, a Bill relative to a Wareham Redevelopment Authority (Senate, No. 2145) [Local approval received]; and

Wareham,-- redevelopment authority.

By the same Senator, for the same committee, on petition, a Bill establishing a special fund for recaptured funds from demolition liens or related grants in the town of Fairhaven (Senate, No. 2156) [Local approval received];

Fairhaven,-- special fund.

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

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3898) of Timothy R. Whelan (by vote of the town) that the town of Dennis be authorized to establish a solid waste and recycling capital improvement fund; and

Dennis,-- solid waste and recycling..

Petition (accompanied by bill, House, No. 3899) of Timothy R. Whelan (by vote of the town) that the town of Dennis be authorized to establish a waterways capital improvement fund;

Dennis,-- waterways.

Severally, to the committee on Municipalities and Regional Government.

A Bill establishing a sick leave bank for Lornece Tull, an employee of the Department of Correction (House, No. 3877, amended,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Lornece Tull,-- sick leave.

Bills

Designating a certain bridge as the Trooper Thomas L. Clardy Memorial Bridge (House, No. 3900,-- on House, No. 3797); and

Thomas L. Clardy,-- bridge.

Designating a certain road as Trooper Thomas L. Clardy Way (House, No. 3901,-- on House, No. 3798);

Thomas L. Clardy,-- way.

Were severally read and, under Senate Rule 26, referred to the committee on Rules.

Bills

Authorizing the town of Milford to grant one additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3842,-- on House, No. 3762) [Local approval received on House, No. 3762]; and

Milford,-- liquor license.

Authorizing the town of Dracut to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 3755,-- on House, No. 3466) [Local approval received on House, No. 3466];

Dracut,-- liquor license.

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

Report of the committee on Public Safety and Homeland Security asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2489) of Carolyn C. Dykema and others for legislation to improve data

Juvenile justice system,-- data collection.

collection in the juvenile justice system,-- and recommending that the same be referred to the committee on the Judiciary,-- **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Matthew McGaughran, an employee of the Department of Correction (see Senate, No. 2123, 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 2 to 0.

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

Matthew McGaughran,-- sick leave.

Resolutions.

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

Resolutions (filed by Mr. Cyr) “commending the heroism of the employees and residents of Champ Homes, Inc.”;

Employees and Residents of Champ Homes, Inc.
Brendan Michael Sullivan.

Resolutions (filed by Mr. Ross and Ms. Creem) “congratulating Brendan Michael Sullivan of the town of Wellesley on his elevation to the rank of Eagle Scout”; and

Resolutions (filed by Ms. Spilka) “commending the Massachusetts School Administrators Association, Incorporated for its recognition of October 2017 as Principals Month.”

MA School Administrators Association, Inc.

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 authorizing the town of Williamsburg to continue the employment of call firefighter James Ferron (House, No. 3834, amended),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

James Ferron,-- call firefighter.

PAPERS FROM THE HOUSE.

The Senate Bill authorizing the town of Wrentham to grant 9 additional licenses for the sale of alcoholic beverages to be drunk on the premises (Senate, No. 23),-- came from the House passed to be engrossed, in concurrence *with an amendment* in section 1, in line 10, by inserting after the word “authority” the words “of the town of Wrentham shall not approve the transfer of a license granted pursuant to this act to any other location, but it”.

Wrentham,-- liquor license.

The rules were suspended, on motion of Mr. Ross, and the House amendment was considered forthwith and adopted, in concurrence.

Report of Committees.

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 Joseph A. Boncore for legislation relative to early literacy education.

Early literacy education.
SD2313

The rules were suspended, on motion of Mr. Ross, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Education.
Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3902) of Sarah K. Peake, Julian Cyr and Dylan Fernandes for legislation to establish a regional fund for the costs associated with water quality restoration projects in the counties of Barnstable, Dukes, and Nantucket;

Barnstable, Dukes,
and Nantucket,--
water quality.

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

Petition (accompanied by bill, House, No. 3903) of Chris Walsh and others relative to motor vehicle liability policies or bonds;

Motor vehicle
liability policies.

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

Petition (accompanied by bill, House, No. 3904) of Chris Walsh, David F. DeCoste and David Paul Linsky relative to harassment prevention orders;

Harassment
prevention orders.

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

Petition (accompanied by bill, House, No. 3905) of Jonathan D. Zlotnik, Kimberly N. Ferguson and Jennifer L. Flanagan that the town of Westminster be authorized to establish a private road maintenance revolving fund;

Westminster,--
private road
maintenance.

Under suspension of Joint Rule 7B, to the committee on Municipalities and Regional Government.

Moment of Silence.

At the request of the Chair (Mr. DiDomenico), the members, guests and staff stood in a moment of silence and reflection to the memory of Mary Lou Petitt.

Moment of silence.

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Matthew McGaughran, an employee of the Department of Correction (see Senate, No. 2123, amended) (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. DiDomenico) and laid before the Governor for his approbation.**

Bill laid before the
Governor.

Order Adopted.

On motion of Mr. Ross,--

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.

Adjourn In Memory of Mary Lou Petitt.

The Senator from Cape and the Islands, Mr. Cyr, moved that when the Senate adjourns today, it do so in memory of Mary Lou Petitt of Eastham.

Mrs. Petitt passed away on July 31, 2017. She was 90 years old.

Mrs. Petitt began her life in public service when she attended the 1963 March on Washington and heard Reverend Martin Luther King Jr.'s call to action of "the fierce urgency of now". A longtime activist, she worked on housing issues and was a 50 year member of the League of Women Voters serving both in New Jersey and Cape Cod. She was a dedicated community organizer and founding member of Habitat for Humanity of Cape Cod, Community Development Partnership/CDP, Homeless Prevention Council, Cape Cod Children's Place, Lower Outer Cape Community Coalition, and the Flex Bus.

Mrs. Petitt served for five years on the Eastham Housing Authority board and fourteen years as Eastham's Representative to the Barnstable County Assembly of Delegates. She was also the recipient of several awards: The CDP's Gwen Pelletier Award, The Presbrey Public Service Award, and the 2014 Mercy Otis Warren Woman of the Year award. She was dedicated to the lives of the homeless, elderly, and minorities and continued to be involved in her community even during the last year of her life

Mrs. Petitt's passions included travel, the theater, books, family, friends, faith, and community service. She is pre-deceased by her late husband William Petitt but is survived by her three children, Stephen Petitt and his wife Yulia of Cotuit, James Petitt of Brewster, Julia Quigley and husband John of Orleans, as well as four grandchildren Katie Petitt-Quigley and James Quigley of Orleans, Michael Quigley of South Boston and Lindsey Petitt of Chicago, Illinois.

May we reflect on Mrs. Petitt's commitment to her friends, family, and community.

Accordingly, as a mark of respect in memory of Mary Lou Petitt, at twenty-five minutes past eleven o'clock A.M., on motion of Mr. Ross, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.