

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, OCTOBER 30, 2017.

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JOURNAL OF THE SENATE.

Monday, October 30, 2017.

Met at four minutes past eleven o'clock A.M. (Mr. Boncore 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. Boncore), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Report.

Report of the Personal Care Attendant Quality Home Care Workforce Council (pursuant to Section 75(a) of Chapter 118E of the General Laws) submitting its 2015-2016 bi-annual performance review report (received October 25, 2017), -- was placed on file.

Home Care Workforce Council,-- PCA report. SD2371

Petition.

Mr. Welch presented a petition (accompanied by bill) (subject to Joint Rule 12) of James T. Welch for legislation to establish a sick leave bank for Donna Janerico, an employee of the Department of Revenue;

Donna Janerico,-- sick leave. SD2372

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

PAPER FROM THE HOUSE.

Notice was received from the House of Representatives announcing the following appointments by the Speaker:

Ms. Marianne Fleckner and Ms. Penny Blaisdell have been reappointed (under Section 66 of Chapter 3 of the General Laws) to Massachusetts Commission on the Status of Women.

Massachusetts Commission on the Status of Women.

Notice was received from the House of Representatives announcing the following appointment by the Commissioner of the Department of Energy Resources:

Will Lauwers has been appointed (under the provisions of Section 134 of Chapter 47 of the Acts of 2017) to the special legislative commission established to study the feasibility, administration, and economic impact of a battery testing facility, located in one of the four western counties of the Commonwealth.

Commission,-- battery testing facility.

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

Petition (accompanied by bill, House, No. 3976) of Bradley H. Jones Jr. and Thomas M. McGee (by vote of the town) that the town of Lynnfield be authorized to grant five additional license for the sale of all alcoholic beverages to be drunk on the premises;

Lynnfield,-- liquor license.

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3977) of Bradley H. Jones Jr. and Thomas M. McGee (by vote of the town) that the town of Lynnfield be authorized

Lynnfield,-- elections.

to change the date of the annual town election in said town;

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 3978) of Brian Murray and Ryan C. Fattman (by vote of the town) that the town of Milford be authorized to incur debt for the purchase of the Milford Water Company;

Milford,-- debt.

To the committee on Municipalities and Regional Government.

A Bill establishing a sick leave bank for Marlene M. Ayash, an employee of the Trial Court (House, No. 3945,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Way and Means.**

Marlene M. Ayash,-- sick leave.

A Bill authorizing the appointment of James Atkinson to the position of junior accountant of the police department in the city of Methuen (House, No. 3889,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Methuen,-- James Atkinson.

Resolutions.

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

Resolutions (filed by Mr. Pacheco) “congratulating Alexander Cassady of the town of Middleborough on his elevation to the rank of Eagle Scout”;

Alexander Cassady.

Resolutions (filed by Mr. Pacheco) “congratulating Julian Cassady of the town of Middleborough on his elevation to the rank of Eagle Scout”; and

Julien Cassady.

Resolutions (filed by Mr. Pacheco) “congratulating Jeffry McDougal of the town of Wareham on his elevation to the rank of Eagle Scout.”

Jeffry McDougal.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Jaqueline Staelens, an employee of the Trial Court of the Commonwealth (see House, No. 3886), 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.

Jaqueline Staelens,-- sick leave.

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

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 Southborough to enter into a land exchange agreement with St. Mark's School of Southborough, Inc. (House, No. 3809),-- was read a third time.

Southborough,-- land exchange.

Pending the question on passing the bill to be engrossed, Mr. Eldridge moved that the bill be amended by adding the following section:-

“SECTION 3. This act shall take effect upon its passage.”

The amendment was adopted.

The bill, as amended, was the passed to be engrossed, in concurrence,

with the amendment.

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3984) of Marjorie C. Decker and others relative to the teaching of health education in schools;

Health education.

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

Petition (accompanied by bill, House, No. 3985) of David K. Muradian, Jr. and others relative to the display of the flag of the United States by certain condominium owners; and

Condominiums,-- flags.

Petition (accompanied by bill, House, No. 3986) of Natalie Higgins and John C. Velis relative to the display of certain flags in condominiums;

Id.

Severally, under suspension of Joint Rule 12, to the committee on Housing.

Petition (accompanied by bill, House, No. 3987) of Cara Veremko for legislation to establish an appeals process for decisions by clerk-magistrates;

Clerk magistrates,-- appeals process.

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

Petition (accompanied by bill, House, No. 3988) of Mark J. Cusack relative to retirement benefits for Brian P. Costello, Jr.;

Brian P. Costello,-- retirement.

Petition (accompanied by bill, House, No. 3989) of James R. Miceli for legislation to establish a sick leave bank for Gary Erskine, an employee of the Department of Public Health; and

Gary Erskine,-- sick leave.

Petition (accompanied by bill, House, No. 3990) of Mary S. Keefe, Harriette L. Chandler and Daniel M. Donahue for legislation to establish a sick leave bank for Patricia Burnette, an employee of the Department of Mental Health;

Patricia Burnette,-- sick leave.

Severally, under suspension of Joint Rule 12, to the committee on Public Service.

Engrossed Bill.

An engrossed Bill designating a certain bridge in the city of Fall River as the Leonard "Lenny" Kaplan Memorial Bridge (see Senate, No. 2098, 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. Boncore) and laid before the Governor for his approbation.**

Bill laid before the Governor.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill providing for the establishment of a comprehensive adaptation management plan in response to climate change (Senate, No. 472, changed),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2196).

Climate change,-- plan.

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill providing for the establishment of a comprehensive adaptation management plan in response to climate change (Senate, No. 472, changed) (the committee on Ways and Means having recommended that the bill be amended by

Procedural order.

substituting a new draft, Senate, No. 2196) shall be placed in the Orders of the Day for a second reading on Thursday, November 2, 2017.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Wednesday, November 1, 2017. All such amendments shall be second-reading amendments to Senate, No. 2196, but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

If final action has not occurred on the subject matter during consideration on Thursday, November 2, 2017, then all amendments timely filed to the Senate, No. 2196 shall be printed in the Senate calendar for the next session.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

Under the rules, referred to the committee on Rules.

Subsequently, Mr. Montigny, for the said committee, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

Recess.

There being no objection, at nineteen minutes past eleven o'clock A.M., the Chair (Mr. Boncore) declared a recess, subject to the call of the Chair; and, at eleven minutes past two o'clock P.M., the Senate reassembled, Mr. Boncore in the Chair.

Recess.

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Jaqueline Staelens, an employee of the Trial Court of the Commonwealth (see House, No. 3886) (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 (Mr. Boncore) and laid before the Governor for his approbation.**

Bill laid before the Governor.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow 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 Mr. Tarr, the members, guests and staff stood in a moment of silence and reflection to the memory of Lewis "Lew" Odell Thompson, Jr.

Moment of silence.

Adjourn In Memory of Lewis “Lew” Odell Thompson, Jr.

Mr. Tarr in the Chair, the Senator from Essex and Middlesex, Mr. Tarr, and the Senator from Essex, Ms. O’Connor Ives, moved that when the Senate adjourns today, it adjourn in memory of Lewis “Lew” Odell Thompson, Jr. of Newburyport.

Lewis “Lew” Odell Thompson Jr. Of Newburyport passed away at the age of 80 on September 15th, 2017 after a short battle against esophageal cancer.

Lewis “Lew” Odell Thompson Jr. was born on November 4, 1936 in Marion, Ohio. He was the only child to Jeanne and Odell Thompson. Growing up in the Mid-West he spent time on his family farm, fishing on Lake Erie, and discovered a love for tennis while attending Harding High School. After graduating from high school in 1954, Lewis went on to Miami University of Ohio receiving his bachelors of science and eventually obtained a Master’s Degree of Business Administration at Western New England College.

After completing college, Lewis attended Naval Officer Candidate School in Newport, Rhode Island, serving as a Lead Journalist 3rd Class in the United States Navy. After being transferred to Norfolk, Virginia, Lewis served aboard the USS Independence Aircraft Carrier which joined the naval blockade during the Cuban Missile Crisis. Lewis’ role on the ship was to publish on-ship newsletters and he helped establish one of the first closed circuit broadcasting stations for aircraft crew members

After his service in the Navy, Lewis pursued a career in advertising for global companies such as General Electric, EG&G, and Honeywell. In his spare time, Lewis was the president of the Local Lions club International Chapter and a member of the Masonic Lodge of Massachusetts. As he neared the end of his career, Lewis taught business courses at Northeastern University and was a substitute teacher at local high schools around the North Shore.

Lewis loved spending time with his family and was an avid Boston sports fan though he always cheered on the Ohio State “Buckeyes” in all of their football games. Lewis’ life was a testament to his unique and personable nature and his unwavering dedication to his country. He is survived by his wife of 57 years Caroleann Thompson of Newburyport, his daughter, Dr. Candace Thompson and grandson Elliot of Gloucester; and his son, Randall Thompson, daughter-in-law Sharon Thompson and grandsons Deckard and Stirling of Danville, New Hampshire

Mr. Boncore in the Chair, accordingly, as a mark of respect in memory Lewis “Lew” Odell Thompson, Jr., at twelve minutes past two o’clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again tomorrow next at eleven o’clock A.M.