

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, DECEMBER 7, 2017.

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JOURNAL OF THE SENATE.

Thursday, December 7, 2017.

Met at eleven minutes past eleven o'clock A.M. (Mr. Timilty in the Chair) (having been appointed by the Acting President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Senator from Worcester and Norfolk, Mr. Fattman, led the Chair (Mr. Timilty), members, guests and staff in the recitation of the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guests.

There being no objection, the Chair (Mr. Timilty) handed the gavel to Mr. Fattman for the purpose of an introduction. Mr. Fattman then introduced, in the rear of the Chamber, the Whitinsville Christian School Choir. The Choir addressed the Senate in song, were welcomed with applause and they withdrew from the Chamber. They were accompanied by music teacher Josh Lawson and Director of Advancement Adam Meyer.

Whitinsville Christian School Choir.

Communications.

The following communications were severally received and placed on file to wit:

Communication from the Honorable Sal N. DiDomenico announcing his resignation from the Senate committee on Ethics (received Tuesday, December 5, 2017 at twenty-six minutes past eleven o'clock A.M.);

Senator Sal N. DiDomenico.

Communication from the Honorable Harriette L. Chandler, Acting President of the Senate, announcing the appointment of Senator Cindy F. Friedman to the Senate committee on Ethics (received Tuesday, December 5, 2017 at twenty-six minutes past eleven o'clock A.M.); and

Senate Committee on Ethics,-- appointment.

Communication from the Department of Public Health relative to plans of correction for the following correctional facilities:

DPH,-- plans of correction.. SD2412

- Plymouth County Correctional Facility
MCI Cedar Junction
NCCI Gardner (received December 6, 2017).

Communication from CliftonLarsonAllen LLP, on an audit of the Commonwealth of Massachusetts Senate with State of available resources and expenditures - statutory basis - and additional information for the Fiscal Year ending June 30, 2016 (received in the Office of the Clerk of the Senate at four minutes before two o'clock P.M., on Wednesday, December 6, 2017);

Senate Audit for Fiscal Year 2017.

Under the provisions of Senate Rule 13C, the communication has been placed on file.

Communications from CliftonLarsonAllen LLP, on an audit of the Joint Accounts of the Massachusetts Legislature with State of available resources and expenditures - statutory basis - and additional information for the Fiscal Years ending June 30, 2016 (received in the Office of the Clerk of the Senate at four

Joint Accounts Audit for the Fiscal Year 2017.

UNCORRECTED PROOF.

minutes before two o'clock P.M., on Wednesday, December 6, 2017);

Under the provisions of Joint Rule 34, the communications have been placed on file.

Reports.

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

Report of the Massachusetts Sheriffs' Association (pursuant to line item 1599-1690 of Chapter 47 of the Acts of 2017) submitting its County Sheriff's Office's cost savings measures status report (received December 5, 2017);

MSA,-- cost savings
measures report.
SD2410

Report of the Department of Public Health (pursuant to Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspections of the following correctional facilities:

DPH,-- facility
inspections.
SD2411

Bristol County Jail and House of Correction
Essex County Correctional Alternative Center
Essex County Correctional Facility
Bridgewater State Hospital
MCI Norfolk
Berkshire County Jail and House of Correction
Franklin County jail and House Correction
(received December 6, 2017); and

Report of the Fall River District Registry of Deeds (pursuant to Section 4 of Chapter 4 of the Acts of 2003 and Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received December 7, 2017).

Fall River District
Registry of Deeds.
SD2414

Petitions.

Petitions were severally presented and referred as follows:

By Mr. deMacedo, a petition (accompanied by bill) (subject to Joint Rule 12) of Viriato M. deMacedo, Mathew Muratore, Randy Hunt and David T. Vieira for legislation to designate certain bridges in the town of Bourne as the U.S. Army Special Forces Staff Sergeant Matthew A. Pucino Memorial Bridges;

Bourne,-- bridge
designation.
SD2413

By Mr. DiDomenico, a petition (accompanied by bill) (subject to Joint Rule 12) of Sal N. DiDomenico and Joseph W. McGonagle, Jr. for legislation to establish a sick leave bank for Peter Garofalo, an employee of the Department of Conservation and Recreation;

Peter Garofalo,-- sick
leave.
SD2408

By Mr. O'Connor, a petition (accompanied by bill) (subject to Joint Rule 12) of Patrick M. O'Connor, Smitty Pignatelli and Diana DiZoglio for legislation to establish a newborn health and safe sleep pilot program; and

Newborns,-- safe
sleep program.
SD2404

By the same Senator, a petition (accompanied by bill) (subject to Joint Rule 12) of Patrick M. O'Connor for legislation relative to safe internet access in schools;

Schools,-- internet
access.
SD2409

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

Reports of Committees.

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on Senate, No. 414 and House, No. 460, a Bill relative to protecting, preserving, and increasing access to family camping (Senate, No. 2230);

Camping,-- access.

UNCORRECTED PROOF.

By Mr. Feeney, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Mary Faulkner, an employee of the Department of Correction (Senate, No. 2212); and

Mary Faulkner,-- sick leave.

By Mr. Brady, for the committee on Revenue, on petition (accompanied by bill, Senate, No. 2056), a Bill enabling taxpayer donations to the Least Developed Countries Fund, an initiative of the U.N. Framework Convention on Climate Change (Senate, No. 2232);

Least Developed Countries Fund,-- taxpayer donations.

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

By Mr. Brady, for the committee on Revenue, on petition (accompanied by bill, Senate, No. 1652), a Bill providing local property tax relief (Senate, No. 2231);

Property tax relief.

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

By Mr. Brady, for the committee on Revenue, on petition, a Bill relative to quarterly taxes in the City of Lynn (Senate, No. 2222) [Local approval received];

Lynn,-- quarterly taxes.

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, to wit:

Petition (accompanied by bill, House, No. 4055) of Brian Murray and Ryan C. Fattman (by vote of the town) relative to the Milford Water Company and the acquisition of its assets by the town of Milford; and

Milford Water Company.

Petition (accompanied by bill, House, No. 4056) of Paul J. Donato, Jason M. Lewis and others (with the approval of the mayor and city council) relative to certain inauguration day events in the city of Malden;

Malden,-- inauguration events.

Severally to the committee on Municipalities and Regional Government.

A Bill amending the charter of the town of Lynnfield (House, No. 3977,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Lynnfield,-- town charter.

Resolutions.

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

Resolutions (filed by Mr. Brady) “congratulating Michael Bartz of the city of Brockton on his elevation to the rank of Eagle Scout”; and

Michael Bartz.

Resolutions (filed by Ms. Creem, Messrs. Barrett, Boncore, Brady and Brownsberger, Ms. Chandler, Messrs. Cyr, deMacedo and DiDomenico, Ms. Donoghue, Messrs. Eldridge, Fattman and Feeney, Ms. Forry, Ms. Friedman, Ms. Gobi, Messrs. Hinds and Humason, Ms. Jehlen, Messrs. Keenan, Lesser and Lewis, Ms. L’Italien, Ms. Lovely, Messrs. McGee, Montigny, Moore, O’Connor, Pacheco, Rodrigues, Ross and Rush, Ms. Spilka and Messrs. Tarr, Timilty and Welch) “commemorating the celebration of Chanukah 2017.”

Chanukah 2017.

Communication.

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS

MASSACHUSETTS SENATE

December 5, 2017

Senator Sonia Chang-Diaz-- absence from Chamber.

Mr. William F. Welch
Clerk of the Senate
Room 335, State House
Boston, MA 02133

Dear Mr. Clerk,

On Monday, December 4, 2017, I was absent from the Chamber due to a previously scheduled family commitment. I was unable to be present for Roll Call #314, relative to the election of an acting Senate president; Roll Call #315, relative to the recusal of Senator Stanley C. Rosenberg and his staff from all decisions relating to investigations of Senator Rosenberg's conduct or that of his spouse; and Roll Call #316, relative to the question of the conduct of Senator Stanley C. Rosenberg and the effect on the Senate of the conduct of his spouse. Had I been present, I would have voted as follows:

Roll Call #314: Harriette L. Chandler
Roll Call #315: Affirmative
Roll Call #316: Affirmative

I respectfully request that this letter be printed in the Senate Journal as part of the official record. Thank you for your assistance in this matter.

Saludos,
SONIA CHANG-DIAZ
Second Suffolk District

On motion of Mr. Fattman, the above communication was ordered printed in the Journal of the Senate.

Ordered printed.

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 authorizing the town of Westford to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3839),-- **was read a third time and passed to be engrossed, in concurrence.**

Westford,-- liquor license.

The House Bill authorizing the town of Westford to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3840, amended),-- **was read a third time and passed to be engrossed, in concurrence.**

Id.

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill authorizing the city known as the town of Franklin to establish a local agricultural commission (see House, No. 3785, amended) (which

Bill laid before the Governor.

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. Timilty) and laid before the Governor for his approbation.**

Reports of Committees.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Jason Wendover, an employee of the Department of Correction (Senate, No. 2082),-- ought to pass, with an amendment striking out the third sentence.

Jason Wendover,--
sick leave.

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

The bill (Senate, No. 2082, 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 Paola Pol, an employee of the Trial Court (House, No. 3946),-- ought to pass, with an amendment striking out, in lines 4 and 5, the words "and her sister's children".

Paola Pol,-- sick
leave.

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

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, its title having been changed by the committee on Bills in the Third reading to read as follows: "An Act establishing a sick leave bank for Paola Pol, an employee of the trial court of the commonwealth."

Sent to the House for concurrence in the amendment.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Rosibel Umanzor, an employee of the Department of Public Health (House, No. 4007, amended),-- ought to pass, with an amendment in the second sentence, by inserting after the word "Umanzor" the following words:- "to care for her parent".

Rosibel Umanzor,--
sick leave.

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

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 Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Walter F. Timilty for legislation to establish a sick leave bank for Linda Thernize-Williams, an employee of the Department of Transitional Assistance.

Linda Thernize-
Williams,-- sick
leave.
SD2370

The rules were suspended, on motion of Mr. Fattman, 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.

UNCORRECTED PROOF.

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 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

The rules were suspended, on motion of Mr. Fattman, 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.

Severally 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. 4058) of Diana DiZoglio, Michelle M. Dubois and others relative to the provisions of certain rights within employment contracts;

Employment
contracts,- rights.

Under suspension of Joint Rule 12, to the committee on Labor and Workforce Development.

Petition (accompanied by bill, House, No. 4059) of Paul McMurtry and Michael F. Rush for legislation to establish a sick leave bank for Deirdre Dacey, an employee of the Parole Board; and

Deirdre Dacey,- sick
leave.

Petition (accompanied by bill, House, No. 4060) of Paul J. Donato and Frank A. Moran for legislation to establish a sick leave bank for James McGonagle, an employee of the Massachusetts Lottery Commission;

James McGonagle,-
sick leave.

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

The Senate Bill designating a certain bridge in the town of Auburn and a portion of state highway in the town of Leicester in memory of Officer Ronald Tarentino, Jr. (Senate, No. 2193),-- came from the House passed to be engrossed, in concurrence, with an amendment in line 1 by striking out the words "The bridge" and inserting in place thereof the following:- 'Bridge number A-17-029'.

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

Order Adopted.

On motion of Mr. Fattman,--

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 (Mr. Timilty), the members, guests and staff stood in a moment of silence and reflection to the memory of Nellie J. Pise.

Moment of silence.

Adjourn In Memory of Nellie J. Pise

The Senator from Hampden, Mr. Welch, and the Senator from Hampden and Hampshire, Mr. Lesser, moved that when the Senate adjourns today, it do so in memory of Nellie J. Pise of Chicopee.

Nellie lived in Chicopee for 68 years, where she was an active member of the

community. She was a communicant of St. Stanislaus Basilica, where she was a member of the church's Rosary Society. Nellie was known for her delicious pierogis and served as her parish's pierogi-maker, most notably during the annual St. Stan's Bazaar.

Nellie was a graduate of Springfield's Technical High School. She worked at Our Lady of the Elms College for 28 years and served as a "noon mother" in the Chicopee Public Schools. Nellie was also a member of, and financial secretary for, the Polish Women's Alliance, Group 317.

Nellie was predeceased by her husband Joseph J. Pise. She is survived by her six loving children, Joseph J. Pise, Jr. of Chicopee; Linda M. Green and her husband James of Pompey, New York; Attorney Michael J. Pise of Chicopee; James M. Pise of Clifton, New Jersey; Cynthia A. Masison and her husband Daniel of Bethesda, Maryland; and Christine Pise of Chicopee.

Accordingly, as a mark of respect in memory of Nellie J. Pise, at twenty-three minutes before twelve o'clock noon, on motion of Mr. Fattman, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.