

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, DECEMBER 18, 2017.

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Monday, December 18, 2017.

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

Pledge of allegiance.

Report.

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

Report of the Massachusetts Department of Transportation (pursuant to Section 207 of Chapter 46 of the Acts of 2015) submitting the third annual report of the MBTA Fiscal and Management Control Board (received December 15, 2017); and

MBTA,-- control board report. SD2424

Report of the Treasurer and Receiver General (pursuant to Section 35QQ of Chapter 10 of the General Laws) submitting its annual report on the Economic Empowerment Trust Fund (formerly the Financial Literacy Trust Fund) (received December 14, 2017).

Treasurer,-- EETF FY17 annual report. SD2425

Reports of a Committee.

By Mr. Keenan, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate Bill providing for the abandonment of a certain water line easement in Revere and Malden (Senate, No. 1676),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2240);

Revere and Malden,-- water line easement.

Referred, under Senate Rule 27, to the committee on Ways and Means.

By Mr. Eldridge, for the committee on Financial Services, on petition, a Bill relative to fairness in debt collection (Senate, No. 120) [Representative Dooley of Norfolk dissenting];

Debt collection,-- fairness.

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

By Mr. Eldridge, for the committee on Financial Services, on petition, a Bill relative to continuing education of insurance producers (Senate, No. 536); and

Insurance producers,- education.

By the same Senator, for the same committee, on petition, a Bill relative to life insurance (Senate, No. 2207);

Life insurance.

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

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor recommending legislation to promote housing choices (House, No. 4075),-- was referred, in concurrence, to the committee on Housing.

Housing choices.

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

Petition (accompanied by bill, House, No. 4077) of Jennifer E. Benson and James B. Eldridge (by vote of the town) that the town of Ayer be authorized to establish an appointed position of town clerk in said town; Ayer,-- town clerk.

Petition (accompanied by bill, House, No. 4078) of Jennifer E. Benson and James B. Eldridge (by vote of the town) that the town of Ayer be authorized to establish the position of tree warden in said town; Ayer,-- tree warden.

Petition (accompanied by bill, House, No. 4079) of Jennifer E. Benson and James B. Eldridge (by vote of the town) that the town of Ayer be authorized to establish the position of treasurer-collector in said town; and Ayer,-- treasurer-collector.

Petition (accompanied by bill, House, No. 4080) of Jennifer E. Benson and James B. Eldridge (by vote of the town) that the town of Ayer be authorized to establish an appointed town manager in said town; Ayer,-- town manager.

Severally to the committee on Municipalities and Regional Government.

Bills

Relative to the civil service eligibility list for police officers in the city of Quincy (House, No. 3938,-- on petition) [Local approval received]; and Quincy,-- police officers.

Amending the charter of the city of Malden (House, No. 4076,-- on House, No. 4056) [Local approval received on House, No. 4056]; Malden,-- charter.

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

Resolutions.

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

Resolutions (filed by Mr. Brady) “congratulating Noah Strothers of the town of Whitman on his elevation to the rank of Eagle Scout”; Noah Strothers.

Resolutions (filed by Messrs. Cyr and deMacedo) “congratulating David Willard upon the occasion of his retirement”; David Willard.

Resolutions (filed by Mr. Ross) “congratulating Eric Cahaly of the town of Wayland on his elevation to the rank of Eagle Scout.”; and Eric Cahaly.

Resolutions (filed by Mr. Ross) “congratulating Connor Michael Rader of the town of Wayland on his elevation to the rank of Eagle Scout.” Connor Michael Rader.

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 establishing a municipal light commission in the city known as the town of Greenfield (House No. 2705, amended),-- **was read a third time and passed to be engrossed, in concurrence.** Greenfield,-- municipal light commission.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4083) of Marjorie C. Decker and Sal N. DiDomenico for legislation to authorize the establishment of the Massachusetts robotics center; Massachusetts robotics center.

Under suspension of Joint Rule 12, to the committee on Economic Development and Emerging Technologies.

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Petition (accompanied by bill, House, No. 4082) of Bruce J. Ayers, John F. Keenan and Tackey Chan for legislation to designate a certain park in the city of Quincy as the Richard “Dick” Herbert memorial park;

Quincy,-- Richard Herbert memorial park.

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

Order Adopted.

On motion of Mr. Rodrigues,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday 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. Brownsberger), the members, guests and staff stood in a moment of silence and reflection to the memory of David Anthony McLaughlin.

Moment of silence.

PAPERS FROM THE HOUSE

Emergency Preambles Adopted

An engrossed Bill establishing a sick leave bank for Paola Pol, an employee of the Trial Court of the Commonwealth (see House, No. 3946, 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.

Paola Pol,-- sick leave.

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

An engrossed Bill relative to placing a plaque at the Staff Sergeant Paul W. Cronin Memorial Arena in the city of Revere in honor of Roger Naples (see House, No. 3964, 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.

Revere,--Cronin Arena.

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

An engrossed Bill designating a certain bridge connecting the towns of Bedford and Carlisle as the Hart-Desiato Bridge (see House, No. 4013), 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.

Hart-Desiato Bridge,-
- Bedford.

The bill was signed by the Acting President (Mr. Brownsberger) 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 (Mr. Brownsberger) and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Paola Pol, an employee of the Trial Court of the Commonwealth (see House, No. 3946, amended);

Validating the actions taken at a certain town meeting in the town of Berlin (House, No. 3961, changed);

Relative to placing a plaque at the Staff Sergeant Paul W. Cronin Memorial Arena in the city of Revere in honor of Roger Naples (House, No. 3964, amended); and

Designating a certain bridge connecting the towns of Bedford and Carlisle as the Hart-Desiato Bridge (House, No. 4013).

Bills laid before the Governor.

Adjourn In Memory of the Honorable David Anthony McLaughlin

The Senator from Bristol and Plymouth, Mr. Montigny, requested that when the Senate adjourns today it do so in memory of the Honorable David Anthony McLaughlin, age 78, of New Bedford

David Anthony McLaughlin died peacefully on December 9, 2017, after a series of illnesses. Originally from Jamaica Plain, David graduated from Boston College High School and Boston College. David served proudly in the United States Marine Corps, on active duty from 1962 to 1965 and in the reserves until 1971. He initiated, with a few other New Bedford Marines, the annual local celebration of the birthday of the Marine Corps, which is now attended by hundreds of Marines each year. In 1965, David entered Boston College Law School, where he met Mary Alice Stephens, a fellow first year law student. After being partners (and finalists) in the school's moot court competition, David and Mary Alice were married in 1968.

David had a prolific and esteemed career as an attorney and a judge. In 1976 he was a founding partner of the New Bedford-based McLaughlin and McLaughlin (with Mary Alice); the firm later became McLaughlin, Folan and McGlone, P.C. He was elected to the American College of Trial Lawyers, a group comprising the top 1% of trial lawyers in the English-speaking world. Among his legal accomplishments, the one of which he was perhaps most proud was a decision affirming the central importance of the right to a trial by jury "to our daily freedoms and our political life." Outside of work, David loved to cheer on "The Littlest O's", the New Bedford Little League Orioles team that his law firm sponsored for 15 years. He served on the board of the United Way, provided pro bono legal services and donated his time in legal education. He was a loving father and grandfather. In 1999, David was appointed to serve as a Justice of the Massachusetts Superior Court. His favorite moments in this role came in presiding over naturalization ceremonies for new U.S. citizens, where he often reminded participants that his own parents had been immigrants.

David is predeceased by his parents Daniel and Nora (Mulrennan) McLaughlin; his sister, Margaret; his cherished cousin, Anne, who was raised by his parents and was like a sister, and his nephew, John Wiswell. He is survived by his loving wife Mary Alice (Stephens) McLaughlin and his children and their

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spouses: Maura McLaughlin and her husband Ryan Ferrara of Arlington; Jeanne McLaughlin of Manhattan, NY; Daniel McLaughlin and his wife Cathy of Nolanville, TX; Michael McLaughlin and his wife Devonna of Portland, OR; Joseph McLaughlin and his wife Cara of Stowe, VT; and Sarah McLaughlin of Brooklyn, NY. David is also survived by his grandchildren Jackson, Nicholas, Alison, Neil, David Kenneth, Catherine, Claire, Aislin and David Michael; by his sister Elaine (McLaughlin) Crowley and her husband Francis; and by his nieces, nephew and cousins.

Accordingly, as a mark of respect in memory of David Anthony McLaughlin, at a half past eleven o'clock A.M., on motion of Mr. Ross, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.