

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, DECEMBER 21, 2017.

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JOURNAL OF THE SENATE.

Thursday, December 21, 2017.

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

Pledge of allegiance.

Qualification of a Senator.

The Honorable Dean A. Tran at sixteen minutes past eleven o'clock A.M., on Wednesday, December 20, 2017 before His Excellency the Governor, Lieutenant-Governor and Council, did take and subscribe the oath of office as State Senator from the Worcester and Middlesex district.

Senator-Elect Dean A. Tran,-- swearing in.

Communication.

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

Communication from the Honorable Stanley C. Rosenberg, President of the Senate announcing appointments of Senator Barbara A. L'Italien and Patricia A. Keith of Cummington to the Special Commission on Grandparents Raising Grandchildren (pursuant to Section 69 of Chapter 3 of the General Laws) (received August 30, 2017); and

Special Commission on Grandparents Raising Grandchildren.

Communication from the Department of Public Health (pursuant to Section 224 of Chapter 111 of the General Laws) submitting the Massachusetts Commission on Falls Prevention 2017 Annual Report (received December 11, 2017).

DPH,-- falls prevention report. SD2429

Reports.

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

Report of the Merrimack Valley Regional Transit Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its basic financial statements and annual report for the fiscal year 2017 (received December 18, 2017);

MVRTA,-- financial statements and annual report.. SD2426

Report of the Massachusetts Clean Water Trust (pursuant to Section 17 of Chapter 29C of the General Laws) submitting its Comprehensive Annual Financial Report for the fiscal year ended June 30, 2017 (received December 18, 2017);

MA Clean Water Trust, -- CAFR. SD2427

Report of the Department of Unemployment Assistance (pursuant to Section 14F of Chapter 151A of the General Laws) submitting the December 2017 Unemployment Insurance Trust Fund report (received December 20, 2017); and

DUA,-- trust fund report. SD2432

Report of the Massachusetts Clean Energy Center (pursuant to Section 131 of Chapter 47 of the Acts of 2017) submitting its report energy efficiency study for an aviation manufacturing facility (received December 14, 2017).

MA Clean Energy Center,-- feasibility study. SD2433

Petitions.

Petitions were severally presented and referred, as follows:

By Ms. L'Italien, a petition (accompanied by bill) (subject to Joint Rule 12) of Barbara A. L'Italien, Andres X. Vargas, Sonia Chang-Diaz, Diana DiZoglio and other members of the General Court for legislation to protect consumers by prohibiting blocking, throttling, or paid prioritization in the provision of internet service;

Net neutrality.
SD2428

By the same Senator, a petition (accompanied by bill) (subject to Joint Rule 12) of Barbara A. L'Italien, Steven Ultrino, Carmine L. Gentile, James T. Welch and other members of the General Court for legislation to ensure access to state IDs for low-income people; and

State ID,-- fees.
SD2431

By Mr. O'Connor, a petition (accompanied by bill) (subject to Joint Rule 12) of Patrick M. O'Connor for legislation to establish an early retirement incentive for Charles Mark Brown;

Charles Mark
Brown,-- retirement.
SD2430

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

Report of a Committee.

By Mr. Feeney, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Kelly Almeida, an employee of the executive office of health and human services (Senate, No. 2233);

Kelly Almeida,-- sick
leave.

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

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4084) of David K. Muradian, Jr., Michael O. Moore and Ryan C. Fattman (by vote of the town) relative to the funding of the other post-employment benefits liability trust fund in the town of Northbridge;

Northbridge,-- trust
fund.

To the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4085) of Mike Connolly and others (with the approval of the mayor and board of alderman) that the city of Somerville be authorized to increase the maximum age for appointment as a special police officer in said city;

Somerville,-- special
police.

To the committee on Public Service.

A Bill establishing a sick leave bank for Julie Rosenthal Morales, an employee of the Department of Correction (House, No. 4044,-- on petition),-- **was read and, under Senate 27, referred to the committee on Ways and Means.**

Julie Rosenthal
Morales,-- sick leave.

A Bill relative to veterans' housing in the town of Agawam (printed as Senate, No. 2014, amended,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Agawam,-- veterans'
housing.

Bills

Relative to the position of director of public works in the town of West Boylston (House, No. 1433,-- on petition) [Local approval received]; and

West Boylston,--
public works.

Relative to the Massachusetts Water Resource Authority Capital Infrastructure

Stoughton,-- MWRA.

Fund in the town of Stoughton (House, No. 3958,-- on petition) [Local approval received];

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

Reports

Of the House committee on Ways and Means, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1951) of Timothy R. Whelan and others relative to the distribution of funds to the Gaming Local Aid Fund and the Local Aid Stabilization Fund,-- and recommending that the same be referred to the committee on Economic Development and Emerging Technologies;

Of the petition (accompanied by bill, House, No. 1949) of Hannah Kane, James Aciero and others for legislation to require that fiscal notes be attached to legislation providing unfunded mandates on municipal governments,-- and recommending that the same be referred to the committee on Municipalities and Regional Government;

Of the petition (accompanied by bill, House, No. 1950) of Jay P. Kaufman and James R. Miceli for legislation to require estimated amounts of appropriations for a subsequent fiscal year on appropriations bills,-- and recommending that the same be referred to the committee on Revenue; and

Of the petition (accompanied by bill, House, No. 2775) of James J. Lyons, Jr. and others for legislation relative to the growth of the state budget,-- and recommending that the same be referred to the committee on State Administration and Regulatory Oversight;

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

Notice was received from the House of Representatives announcing the Speaker had announced changes to the Joint Standing committees, as follows:

That Mr. Pignatelli of Lenox had been relieved of duty (at his own request) from the committee on Consumer Protection and Professional Licensure, and that Mr. Vargas of Haverhill had been appointed to the ninth position on said committee to fill the vacancy;

That Mr. Pignatelli of Lenox had been relieved of duty (at his own request) from the committee on Education, and that Mr. Vargas of Haverhill had been appointed to the ninth position on said committee to fill the vacancy;

That Mr. Chan of Quincy had been relieved of duty (at his own request) from the committee on Election Laws, and that Mr. Barrett of North Adams had been appointed to the ninth position on said committee to fill the vacancy;

That Mr. Chan of Quincy had been relieved of duty (at his own request) from the committee on Health Care Financing, and that Mr. Barrett of North Adams had been appointed to the tenth position on said committee to fill the vacancy;

That Mr. Chan of Quincy had been relieved of duty (at his own request) from the committee on Marijuana Policy, and that Mr. Barrett of North Adams had been appointed to the ninth position on said committee to fill the vacancy; and

That Mr. Pignatelli of Lenox had been relieved of duty (at his own request) from the committee on State Administration and Regulatory Oversight, and that Mr. Vargas of Haverhill had been appointed to the ninth position on said committee to fill the vacancy.

Local Aid
Funds,-- distribution.

Fiscal notes,--
unfunded mandates.

Appropriation bills,--
estimates.

State budget,--
growth.

Joint committees,--
membership
changes..

Resolutions.

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

Resolutions (filed by Ms. Gobi) “congratulating Chief Scott Gustafson of the Bondsville Fire Department in the town of Palmer on his retirement.”

Chief Scott Gustafson.

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 exempting all positions in the fire department of the town of Plainville from the civil service law (House, No. 3864),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act exempting all uniformed positions in the fire department of the town of Plainville from the civil service law”.**

Plainville,-- civil service exemption.

The House Bill authorizing the town of Swampscott to grant additional licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 3931),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the town of Swampscott to grant 8 additional licenses for the sale of all alcoholic beverages to be drunk on the premises”.**

Swampscott,-- alcohol licenses.

The House Bill amending the charter of the city of Malden (House, No. 4076, amended),-- was read a second time.

Malden,-- charter.

Pending the question on ordering the bill to a third reading, Mr. Lewis presented an amendment in section 1, by striking out, in lines 13 and 14, the words “the city council may choose an alternate date to fall within the first 8 days of the year” and inserting in place thereof the following words:- “, the oath required shall be administered on the first Tuesday of that year”.

The amendment was adopted.

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 further regulating the administration of the oath of office of members of the city council and school committee in the city of Malden”.

Sent to the House for concurrence in the amendment.

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Rosibel Umanzor, an employee of the Department of Public Health (see House, No. 4007, 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 5 to 0.

Rosibel Umanzor,-- sick leave.

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

Reports of Committees.

Mr. Montigny, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill designating May 6 as Moyamoya Disease Awareness Day (Senate, No. 1723)

Moyamoya Disease Awareness Day.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

Mr. Montigny, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill validating certain proceedings of the town of North Reading (printed in House, No. 4024).

Bedford,--bridge designation.

There being no objection, the rules were suspended, on motion of Mr. Pacheco, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Elizabeth O'Brien, an employee of the Department of the Attorney General (Senate, No. 2176),-- ought to pass, with an amendment by striking out, in line 6, the words "department paid" and inserting in place thereof the following words:- "extended illness"; and by inserting before the enacting clause the following emergency preamble:-

Elizabeth O'Brien,-- sick leave.

"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 the attorney general, 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 Ms. Lovely, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2176, 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 James McGonagle, an employee of the Lottery Commission (House, No. 4060),-- ought to pass.

James McGonagle,-- sick leave.

There being no objection, the rules were suspended, on motion of Ms. Chandler, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Order Adopted.

Mr. Pacheco presented the following order to wit:

Ordered, That, members of the General Court may sign-on to legislation filed

Co-sponsorship,-- certain petitions.

by former Senators Jennifer L. Flanagan of Worcester and Middlesex district and James E. Timilty of Bristol and Norfolk district without approval from the original sponsors for a period ending on the twelfth of January 2018. All requests for sign-ons should be emailed to the Senate Clerk at senate.clerk@masenate.gov.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the ordered was considered forthwith and adopted.

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 William N. Brownsberger for legislation to prevent bureaucratic overreach in the collection of student debt.

Student debt,--
collection.
SD2417

The rules were suspended, on motion of Mr. Pacheco, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Higher 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. 4090) of Jonathan D. Zlotnik for legislation to establish a sick leave bank for Dawn Parmenter, an employee of the Department of Correction; and

Dawn Parmenter,--
sick leave.

Petition (accompanied by bill, House, No. 4091) of Nicholas A. Boldyga for legislation to establish a sick leave bank for Gayle Vassallo, an employee of the Department of Developmental Services;

Gayle Vassallo,--
sick leave.

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

Engrossed Bills.

The following engrossed bills (the first of which originated in the Senate), 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 (Ms. Friedman) and laid before the Governor for his approbation, to wit:

Authorizing the city of Salem to convert 2 seasonal licenses for the sale of all alcoholic beverages to be drunk on the premises to annual licenses for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 2143);

Bills laid before the
Governor.

Establishing a municipal light commission in the city known as the town of Greenfield (House, No. 2705, amended); and

Establishing a sick leave bank for Rosibel Umanzor, an employee of the Department of Public Health (House, No. 4007, amended).

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 (Ms. Friedman), the members, guests and staff

Moment of silence.

stood in a moment of silence and reflection to the memory of Daniel F. Pimenta.

Adjourn In Memory of Daniel F. Pimenta.

The Senator from Essex, Ms. Lovely, moved that when the Senate adjourns today it adjourn in memory of Daniel F. Pimenta of Peabody.

Daniel F. Pimenta died unexpectedly at the age of 53. He was the devoted husband of Donna (Chouinard) Pimenta with whom he shared over 28 years of marriage.

Born in Beverly, he was the son of Antonio Pimenta of Peabody, and the late Florence (Abbondanza) Pimenta. He was a lifelong resident of Peabody and graduate of Peabody Veterans Memorial High School, Class of 1982. He also attended Bridgewater State College. Dan was an outstanding athlete in high school and was a running back on the Varsity football team. He later coached the freshman football and the jayvee lacrosse teams for Peabody, and he coached youth lacrosse as well.

Dan was a firefighter for the city of Peabody for over 27 years. Dan enjoyed cooking, spending time with his family, and was an avid cyclist, which helped him with his multiple sclerosis and was his way of giving back to the MS community.

Besides his loving wife, Dan is survived by his children, Jake and Stephanie Pimenta, both of Peabody; his siblings, Joseph Pimenta of Falls Church, Virginia, Michael Pimenta of New Boston, New Hampshire, Madeline "Maddie" Pimenta of Peabody, and Lisa LaForge of Essex. He is also survived by several nieces and nephews and a very special great nephew, Mason Kierstead of Peabody, whom he taught how to ride a bike, and shared a special bond. He was predeceased by his brother, David A. Pimenta.

Accordingly, as a mark of respect in memory of Daniel F. Pimenta, at twenty-two 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.