

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, JANUARY 11, 2018.

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JOURNAL OF THE SENATE.

Thursday, January 11, 2018

Met at seven 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.

Communications.

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

Communication from the Office of the State Auditor (pursuant to Chapter 110 of the Acts of 2017) submitting certified expenses for cities and towns of the Commonwealth from early voting period of 2016 (received January 8, 2018); and

State Auditor,-- early voting expenses . SD2458

Communication from Massachusetts State House Press Association (pursuant to Joint Rule 32) submitting a list of the legislative reporters who constitute the Massachusetts State House Press Association and the State House Broadcasters Association (received January 5, 2018).

State House Press Association. SD2467

Reports.

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

Report of the Cape and Islands District Attorney's Office (pursuant to Section 99 of Chapter 272 of the General Laws) submitting its annual report of wiretap interceptions for the 2017 calendar year (received January 8, 2018);

Cape & Islands DA,-- wiretap. SD2457

Report of the Office of the Comptroller (pursuant to Section 12(c) of Chapter 7A of the General Laws) submitting its Comprehensive Annual Financial Report for the fiscal year ended June 30, 2017 (received January 10, 2018); and

Comptroller, -- CAFR SD2463

Report from the office of the Comptroller (pursuant to Sections 1A and 1B of Chapter 133 of the Acts of 2016) submitting the comparison of Actual Revenue Collections to Budget for final balances for FY2017 (received January 10, 2018).

Comptroller, -- Revenue Collections FY2017 SD2464

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 2245) of Bruce E. Tarr and Bradford R. Hill (by vote of the town) for legislation to authorize the Town of Hamilton to establish a special fund for the Patton Homestead [Local approval received];

Hamilton,-- special fund.

Under Senate Rule 20, to the committee on Municipalities and Regional Government.

Sent to the House for concurrence.

By Mr. Boncore, a petition (accompanied by bill) (subject to Joint Rule 12) of Joseph A. Boncore for legislation relative to housing information;

Housing,-- energy audit. SD2462

By Mr. Brownsberger (by request), a petition (accompanied by bill) (subject

Hate crimes.

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to Joint Rule 12) of Wendy Murphy for legislation relative to gender in hate crimes;

SD2461

By Ms. Friedman, a petition (accompanied by bill) (subject to Joint Rule 12) of Cindy F. Friedman for legislation relative to proceeds from the sale of bonds;

Sale of bonds,--
proceeds. SD2466

By Mr. Hinds, a petition (accompanied by bill) (subject to Joint Rule 12) of Adam G. Hinds and John Barrett for legislation to remove the residency requirement for the appointment of a forest warden; and

Forest warden,--
residency
requirement. SD2459

By Mr. Timilty, a petition (accompanied by bill) (subject to Joint Rule 12) of Walter F. Timilty for legislation to honor and recognize the heroism of Rosa Parks;

Rosa Parks,-- honor.
SD2460

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

Reports of Committees.

By Mr. Rush, for the committee on Veterans and Federal Affairs, on petition (accompanied by resolve, Senate, No. 2019), an Order relative to authorizing the joint committee on Veterans and Federal Affairs to make an investigation and study of a certain current Senate document relative to a Syrian War Crimes Tribunal (Senate, No. 2242);

Veterans and Federal
Affairs committee,--
study.

Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Keenan, for the committee on Bonding, Capital Expenditures and State Assets, that the House Bill providing for capital facility repairs and improvements for the Commonwealth (House, No. 4045),-- ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2244 [Authorized bond capacity: \$3.371 billion];

Capital facility
repairs,--
improvements.

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

By Mr. Lewis, for the committee on Labor and Workforce Development, on petition, a Bill relative to fairness in worker's compensation disfigurement benefits (Senate, No. 998);

Worker's
compensation,--
disfigurement benefits.

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

By Mr. Moore, for the committee on Municipalities and Regional Government, on petition, a Bill relative to increasing City of Gloucester parking fines (Senate, No. 2223) [Local approval received];

Gloucester,-- parking
fines.

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

Committees Discharged.

Ms. Chang-Diaz, for the committee on Education, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 255) of Jennifer L. Flanagan for legislation relative to early education funding,-- and recommending that the same be referred to the committee on Revenue;

Early education,--
funding.

Mr. Lewis, for the committee on Labor and Workforce Development, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1025) of Thomas M. McGee, Jason M. Lewis,

Higher education,--
labor contracts.

James B. Eldridge, James J. O'Day and other members of the General Court for legislation relative to public higher education collective labor contracts,-- and recommending that the same be referred to the committee on Public Service; and

Mr. Lewis, for the committee on Public Health, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1191) of Kenneth J. Donnelly, Jay R. Kaufman, Sean Garballey, Michael J. Barrett and other members of the General Court for legislation relative to the disclosure of toxic chemicals in children's products,-- and recommending that the same be referred to the committee on Environment, Natural Resources and Agriculture;

Severally, under Senate Rule 36, the reports were considered forthwith and accepted.

Severally sent to the House for concurrence.

Children's products,-
- toxic chemicals.

PAPERS FROM THE HOUSE.

A Bill authorizing the Deerfield Fire Protection District to continue the employment of fire chief Chester Yazwinski (House, No. 3957,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Deerfield,-- Chester
Yazwinski.

Bills

Relative to the town administrator in the town of Fairhaven (House, No. 3513,-- on petition) [Local approval received];

Providing for the purchase of the Milford Water Company by the town of Milford (House, No. 3978,-- on petition) [Local approval received]; and

Relative to the dissolution of the Milford Water Company and the acquisition of its assets by the town of Milford (House, No. 4055,-- on petition) [Local approval received];

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

Fairhaven,-- town
administrator.

Milford Water
Company.

Milford Water
Company.

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

Ms. Kimberly Truong of Woburn (under Section 68 of Chapter 3 of the General Laws) to the permanent Commission on the Status of Citizens of Asian Descent.

Status of Citizens of
Asian Descent.

Notice was received from the House of Representatives announcing the following appointment by the Minority Leader:

Representative Poirier of North Attleborough as his designee (under Chapter 325 of the Acts of 2016) on the Commission on Malnutrition Prevention Among Older Adults.

Malnutrition
Prevention Among
Older Adults.

Resolutions.

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

Resolutions (filed by Ms. Spilka) "congratulating George Daniel Bradbury of the town of Hopkinton on his elevation to the rank of Eagle Scout";

Resolutions (filed by Ms. Spilka) "congratulating Joseph Harrison of the town of Hopkinton on his elevation to the rank of Eagle Scout";

Resolutions (filed by Ms. Spilka) "congratulating Gabriel I. Lopez of the town

George Daniel
Bradbury.

Joseph Harrison.

Gabriel I. Lopez.

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of Hopkinton on his elevation to the rank of Eagle Scout”; and

Resolutions (filed by Ms. Spilka) “congratulating Zachary Ritterbusch of the town of Hopkinton on his elevation to the rank of Eagle Scout.”

Zachary Ritterbusch.

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 amending the charter of the town of Concord (House, No. 3930) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

Concord charter.

Report 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 House Bill designating a certain bridge in the city of Haverhill as the U.S. Navy Petty Officer Caitlin E. Trask - Veterans of the War on Terror Memorial Bridge (House, No. 4025).

Haverhill,-- bridge designation.

There being no objection, the rules were suspended, on motion of Mr. deMacedo, and the bill 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 designating a certain bridge in the city of Haverhill as the United States Navy Petty Officer Caitlin E. Trask - Veterans of the War on Terror Memorial Bridge”.

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 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

The rules were suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation.

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 Gary Erskine, an employee of the Department of Public Health (House, No. 3989, amended),-- ought to pass.

Gary Erskine,--sick leave.

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, in concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill providing consumers with equal protection for all real estate appraisals (Senate, No. 104),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2246).

Real estate appraisals,-- protection.

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 consumers with equal protection for all real estate appraisals (Senate, No. 104) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2246) shall be placed in the Orders of the Day for a second reading on Thursday, January 16, 2018.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Tuesday, January 16, 2018. All such amendments shall be second-reading amendments to the Ways and Means new draft (Senate, No. 2246), 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.

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. deMacedo, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, January 18, for a second reading with the amendment pending.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to uniform financial aid information (Senate, No. 680),-- ought to pass, with an amendment substituting a new draft entitled "An Act requiring institutions of higher education to provide uniform financial aid information to accepted applicants" (Senate, No. 2247).

Uniform financial aid.

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 relative to uniform financial aid information (Senate, No. 680) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2247), shall be placed in the Orders of the Day for a second reading on Thursday, January 18, 2018.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M. on Tuesday, January 16, 2018. All such amendments shall be second-reading amendments to the Ways and Means new draft (Senate, No. 2247), 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.

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 Ms. Friedman, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, January 18, for a second reading with the amendment pending.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill further regulating the enforcement of illegal hunting practices (Senate, No. 2182),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2248).

Illegal hunting practices,-- enforcement.

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 further regulating the enforcement of illegal hunting practices (Senate, No. 2182) (the committee on Ways and Means having recommended that the bill ought to pass, with an amendment, substituting a new draft, Senate, No. 2248) shall be placed in the Orders of the Day for a second reading on Thursday, January 18, 2018.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Tuesday, January 16, 2018. All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2248) 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.

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 Ms. Creem, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, January 18, for a second reading with the amendment pending.

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill relative to the civil service eligibility list for police officers in the city of Quincy (see House, No. 3938) (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. Brownsberger) and laid before the Governor for his approbation.**

Bill laid before the Governor.

Order Adopted.

On motion of Mr. Tarr,--

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Ordered, That when the Senate adjourns today, it adjourn to meet again today at one o'clock P.M., in a full formal session without a calendar, to be held in the Chamber of the House of Representatives for the purpose of receiving remarks from former Senator Thomas M. McGee.

Time of meeting.

Moment of Silence.

At the request of the Chair (Mr. Boncore), the members, guests and staff stood in a moment of silence and reflection to the memory of James A. Imbrogna.

Moment of silence.

Adjournment in Memory of James A. Imbrogna.

The Senator from Middlesex, Ms. Friedman, moved that when the Senate adjourns today, it adjourn in memory of James A. Imbrogna.

James A. Imbrogna of Woburn passed away on June 12, 2015 at the age of 85. Born and raised in Roxbury, James A. Imbrogna was the oldest of seven children. He attended Boston Schools and graduated from the Boston Trade School with the Class of 1947. Following high school, Mr. Imbrogna served in the US Army during the Korean War, earning the rank of corporal and receiving the Army Good Conduct Medal, National Defense Medal, Korean Service Medal with 3 bronze service stars, the United Nations Service Medal and 2 Overseas Service Bars. When he returned from the war, James met the love of his life, Viola. After their marriage in 1960, they made their home in Woburn and brought four wonderful children into the world. Despite working nights at the Postal Service throughout his life, James was a very active father and always made time to be with his children. Each summer, the family vacationed on Cape Cod where many happy memories were made. James will be remembered as a wonderful husband, incredible father, and a proud veteran.

Accordingly, as a mark of respect to the memory of James A. Imbrogna, at twenty-one minutes past eleven o'clock A.M., on motion of Mr. deMacedo, the Senate adjourned to meet again today at one o'clock P.M.