

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, JANUARY 29, 2018.

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JOURNAL OF THE SENATE.

Monday, January 29, 2018.

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

Pledge of allegiance.

Distinguished Guests.

There being no objection, the Chair (Mr. Brownsberger) handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced, in the Senate Gallery, Detective Steven Petrone and Officer Daniel Richmond. The officers from the Groveland Police Department were recognized for their lifesaving act of heroism by extracting an unresponsive driver from their vehicle submerged in ice-cold water. They were accompanied by Chief Jeff Gillen, Lieutenant Dwight McDonald, and Detective Petrone's wife Kendra and parents Len and Sandra. The Senate applauded their heroic efforts and they withdrew from the Gallery.

Detective Steven Petrone and Officer Daniel Richmond.

Reports.

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

Report of the Department of Public Utilities (pursuant to Section 2 of Chapter 25 of the General Laws) submitting its 2017 Annual Report (received January 26, 2018);

DPU,-- 2017 annual report. SD2501

Report of the Bristol County 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 January 25, 2018); and

Bristol County,-- Registry of Deeds. SD2502

Report of the Office of Community Corrections (pursuant to Section 5 of Chapter 211F of the General Laws) submitting its utilization of community corrections centers annual statistical report for fiscal year 2017 (received January 26, 2018).

OCC,-- utilization statistical report. SD2503

Petition.

Ms. Friedman presented a petition (accompanied by bill) (subject to Joint Rule 12) of Cindy F. Friedman, Patricia D. Jehlen, Paul R. Feeney, Joan B. Lovely and other members of the Senate for legislation to ensure greater transparency at the GIC;

GIC,-- transparency. SD2500

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

Reports of a Committee.

By Mr. Moore, for the committee on Municipalities and Regional

Land use,--

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Government, on petition, a Bill relative to preventing discriminatory land use and permitting decisions (Senate, No. 1120);

By the same Senator, for the same committee, on petition, a Bill to update the public shade tree law (Senate, No. 1122);

By the same Senator, for the same committee, on petition, a Bill authorizing municipal use of the prudent investor standards (Senate, No. 1123);

By the same Senator, for the same committee, on petition, a Bill mitigating water resource impacts (Senate, No. 1126);

By the same Senator, for the same committee, on petition, a Bill relative to regional stabilization funds (Senate, No. 1137);

By the same Senator, for the same committee, on petition, a Bill relative to local review for public structures (Senate, No. 1144);

By the same Senator, for the same committee, on petition, a Bill creating a commission to study the effects of unfunded mandates on municipalities (Senate, No. 1147);

By the same Senator, for the same committee, on petition, a Bill improving local decision making (Senate, No. 1153);

By Mr. Moore, for the committee on Public Safety and Homeland Security, on petition, a Bill relative to criminal justice training regarding autistic persons (Senate, No. 1313);

By the same Senator, for the same committee, on Senate, Nos. 1328 and 1371, a Bill relative to police training (Senate, No. 1328);

By the same Senator, for the same committee, on petition, a Bill providing for HIV testing for at risk police officers (Senate, No. 1333);

By the same Senator, for the same committee, on petition, a Bill to preserve family ties and inmate visitation (Senate, No. 1335);

By the same Senator, for the same committee, on petition, a Bill relative to inmate telephone calls (Senate, No. 1336);

By the same Senator, for the same committee, on petition, a Bill establishing the Correctional Officers' Procedural Bill of Rights (Senate, No. 1337);

By the same Senator, for the same committee, on petition, a Bill relative to the University of Massachusetts police (Senate, No. 1376);

By Mr. Feeny, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Linda Thernize-Williams, an employee of the Department of Transitional Assistance (Senate, No. 2251);

By the same Senator, for the same committee, on petition, a Bill establishing a sick leave bank for Donna Janerico, an employee of the Department of Revenue (Senate, No. 2252); and

By the same Senator, for the same committee, on petition, a Bill establishing a sick leave bank for Peter Garofalo, an employee of the Department of Conservation and Recreation (Senate, No. 2253);

Severally 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 amending the municipal ticket law (Senate, No. 1124);

By the same Senator, for the same committee, on petition, a Bill increasing recycling by landlords and tenants (Senate, No. 1128);

By the same Senator, for the same committee, on petition, a Bill encouraging

regulations.

Public shade tree law.

Prudent investor standards.

Water resource,-- impacts.

Stabilization funds,-- school district.

Public structures,-- review.

Unfunded mandates,-- commission.

Local boards and commissions,-- training.

Criminal justice training,-- autistic persons.

Police training.

HIV testing,-- at risk police officers.

Inmates,-- visitation.

Inmates,-- telephone calls.

Procedural Bill of Rights,-- correctional officers.

UMass police.

Linda Thernize-Williams,-- sick leave.

Donna Janerico,-- sick leave.

Peter Garofalo,-- sick leave.

Municipal ticket law.

Landlords and tenants,-- recycling.

Municipal recycling,--

municipal recycling and composting (Senate, No. 1129); and

By the same Senator, for the same committee, on petition, a Bill relative to the effective enforcement of municipal ordinances and bylaws (Senate, No. 1130);

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

By Mr. Feeney, for the committee on Public Service, on petition (accompanied by bill, Senate, No. 2077), a Bill relative to the appointment of retired police officers in the town of Essex (Senate, No. 2271) [Local approval received on Senate, No. 2077];

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

- encourage.
Municipal ordinances and bylaws,-- enforcement.

Essex,-- retired police officers.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4148) of Shawn Dooley and Richard J. Ross (by vote of the town) that the town of Norfolk be authorized to convey certain land on Priscilla Avenue in said town;

To the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4149) of Andres X. Vargas (with the approval of the mayor and city council) that the city of Haverhill be authorized to assess fines for failure to relocate or remove utility poles and wires;

To the committee on the Telecommunications, Utilities and Energy.

A Bill financing the production and preservation of housing for low and moderate income residents (House, No. 4134, amended,-- on House, Nos. 675 and 3653),-- **was read and, under Joint Rule 1F, referred to the committee on Bonding, Capital Expenditures and State Assets.**

A Bill designating a certain bridge in the city of Fall River as the Ronald Costa Bridge (House, No. 4031,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

A Bill abolishing the Board of License Commissioners in the town of Salisbury (House, No. 4029,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Norfolk,-- land.

Haverhill,-- utilities.

Housing,--production procedures.

Fall River,-- Ronald Costa bridge.

Salisbury,-- Board of License Commissioners.

Communication.

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

January 26, 2018

Senator Linda Dorcena Forry,-- absent from Chamber.

Harriette Chandler
President of the Massachusetts Senate
State House, Room 333
Boston, MA 02133

Dear Madam President:

I am writing to hereby resign as the Senator from the First Suffolk District effective at the close of business today, January 26, 2018. Thank you for your assistance and ensuring that this letter is on file with the Senate and the Treasurer of the Commonwealth.

Sincerely,
LINDA DORCENA FORRY
State Senator
1st Suffolk District

On motion of Mr. Tarr, 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 Senate Bill authorizing the city of Easthampton to lease certain real estate (Senate, No. 2152),-- **was read a third time and passed to be engrossed.**

Easthampton,-- lease.

Sent to the House for concurrence.

The House Bill further regulating the use of funds in the Massachusetts Water Resource Authority Capital Infrastructure Fund in the town of Stoughton (House, No. 3958) (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.**

Stoughton,-- MWRA fund use

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 relative to the Lake Quinsigamond Commission (House, No. 4039).

Lake Quinsigamond Commission.

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, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act further regulating certain activities of the Lake Quinsigamond Commission".

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 Bruce E. Tarr, Bradley H. Jones, Jr., Richard J. Ross, Donald F. Humason, Jr. and other members of the General Court for legislation relative to the Sex Offender Registry Board.

Sex Offender Registry Board. SD2494

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 the Judiciary.

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 Barbara A. L'Italien, Andres X. Vargas, Sonia Chang-Diaz, Diana DiZoglio and other

Net neutrality. SD2428

members of the General Court for legislation to protect consumers by prohibiting blocking, throttling, or paid prioritization in the provision of internet service.

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 Telecommunications, Utilities and Energy.

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. 4154) of Carmine L. Gentile, James B. Eldridge and Danielle W. Gregoire for legislation to establish a sick leave bank for Lauri Smith-Bopp, an employee of the Department of Revenue;

Lauri Smith-Bopp,--
sick leave.

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

Petition (accompanied by bill, House, No. 4155) of Steven S. Howitt for legislation to designate route 1, route 20 and route 6 as historic United States routes; and

Historic routes.

Petition (accompanied by bill, House, No. 4156) of Smitty Pignatelli for legislation to designate a certain bridge spanning United State Highway route 20 on Laurel Street in the town of Lee as the Louis J. Digrigoli memorial bridge;

Lee,-- Louis J.
Digrigoli memorial
bridge.

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

Engrossed Bills.

The following engrossed bills (the first two 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 (Mr. Brownsberger) and laid before the Governor for his approbation, to wit:

Exempting certain positions of the police department of the town of Adams from the civil service law (see Senate, No. 2154);

Bills laid before the
Governor.

Establishing a sick leave bank for Elizabeth O'Brien, an employee of the Department of the Attorney General (Senate, No. 2176, amended);

Designating May as Asian American Pacific Islander Month (House, No. 3360);

Authorizing the appointment of special police officers in the city of Malden (House, No. 4016, amended); and

Further regulating the Massachusetts Port Authority Community Advisory Committee (House, No. 4088).

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 former State Representative Joseph R. Gallitano.

Moment of silence.

Recess.

There being no objection, at twenty-nine minutes before twelve o'clock noon, the Chair (Mr. Brownsberger) declared a recess subject to the call of the Chair; and, at sixteen minutes past one o'clock P.M., the Senate reassembled, Mr. Lewis

Recess.

in the Chair.

Order Adopted.

Ms. Chandler offered the following order, to wit:

Ordered, That, by the authority of article IV of section II of chapter I of the Constitution, the Senate declares that, by reason of the resignation of Linda Dorcena Forry as senator from the First Suffolk district, the office of senator from the First Suffolk district is vacant as of January 26, 2018 at 5:01 P.M. By the authority of article XXIV of the Amendments to the Constitution, the Senate directs the president of the Senate to issue precepts setting forth May 1, 2018, as the day for holding an election to fill the vacancy in the First Suffolk District consisting of the city of Boston, ward 1, precinct 15, ward 6, ward 7, ward 13, precincts 3, and 5 to 10, inclusive, ward 14, precincts 2, 4, 5 and 12 to 14, inclusive, ward 15, ward 16, ward 17, ward 18, precincts 1 to 6, inclusive, 13, 15 and 21, all in the county of Suffolk.

Precepts,--
First Suffolk district.

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.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday next at one o'clock P.M., in a full formal session with a calendar

Time of meeting.

Adjourn In Memory of Joseph R. Gallitano

The Senator from Plymouth and Barnstable, Mr. deMacedo, moved that when the Senate adjourns today it do so in memory of former State Representative Joseph R. Gallitano.

Born in Hackensack, New Jersey, Joseph R. Gallitano was a graduate of Bogota High School where he wrote for the school newspaper and ran cross country and track. He ventured to New England for college where he attended Boston University - College of Communication. At Boston University, he majored in Public Relations, ran track and rowed crew. He also served as a Resident Assistant and was elected to the student government. After college, he enlisted in the United States Navy and served during the Vietnam War, and he continued serving in the Naval Reserves until being honorably discharged in 1972.

After Joe's military service, he attended law school in Boston and received his Juris Doctorate degree from the New England School of Law. He started his legal practice in Plymouth, Massachusetts, the same place where he raised his family and served his community. He practiced law for 43 years specializing in labor and employment, governmental relations, land use, and estates and trusts law.

An active member of his community, he was elected and served as a Massachusetts State Representative for the First Plymouth District and was appointed the first House Historian of the Massachusetts State House. He also served as a Selectman for the town of Plymouth and was appointed town counsel

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for the town of Kingston. He served as a director of the Plymouth Boys and Girls Club and was a member of the advisory board of trustees of Jordan Hospital, Plymouth Massachusetts. He continued to serve on the board of the Massachusetts Maritime Academy in Buzzards Bay.

Joe was an avid sailor, surfer, dog lover and fly fisherman. He loved living by the coast and was happiest when out on the water. He enjoyed coaching his son's soccer, basketball and baseball teams. As a history enthusiast, he studied the deeds of great men and thoroughly enjoyed movies and films, especially those starring Humphrey Bogart or Steve McQueen.

Accordingly, as a mark of respect in memory of Joseph R. Gallitano, at nineteen minutes past one o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Thursday next at one o'clock P.M.