

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, FEBRUARY 1, 2018.

JOURNAL OF THE SENATE.

Thursday, February 1, 2018.

Met at fourteen minutes past one o'clock P.M.

The President, members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Feeney for the purpose of an introduction. Mr. Feeney then introduced, in the rear of the Chamber, members of the Cape Cod Curling Club and the United States Wheelchair Curling Team and their staff. Among the group was staff member Jerry Lynch of Attleboro, USA Team Coach Tony Colacchio, USA Team Members Meghan Lino and Steve Emt, Cape Cod Curling Member Caroline Knox of Falmouth, and Curling Club member Ken White of Sutton. The team was recognized for their upcoming participation in the Paralympics in South Korea, competing against 11 other countries. The Senate welcomed them with applause and they withdrew from the Chamber. They were also guests of Senators deMacedo, Fattman and Cyr.

United States
Wheelchair Curling
Team.

Communications.

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

Communication from the Honorable Harriette L. Chandler, President of the Senate, announcing the appointment of Adam G. Hinds as a member of the Senate committee on Ways and Means (received in the Office of the Clerk of the Senate on Thursday, February 1, 2018, at twenty-eight minutes before eleven o'clock A.M.);

Ways and Means
committee
membership.

Communication from the Department of Public Health (pursuant to Section 11 of Chapter 111K of the General Laws) submitting the Catastrophic Illness in Children Relief Fund (CICRF) annual report for Fiscal Year 2016 (January 30, 2018); and

DPH,-- CICRF
annual report.
SD2505

Communication from MassDevelopment submitting its transforming a fort (DEVENS) into economic force annual report for Fiscal Year 2017 (received January 30, 2018).

MassDev,-- Devens
annual report.
SD2506

Report.

Report of the Springfield Parking Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its annual audit for the fiscal year ended June 30, 2017 (received January 31, 2018),-- **was placed on file.**

SPA,-- annual audit.
SD2507

Reports of Committees.

By Mr. Boncore, for the committee on Transportation, on Senate, Nos. 1977, 1981, 1994, 2004 and 2234, an Order relative to authorizing the joint committee on Transportation to make an investigation and study of certain current Senate

Transportation
committee,-- study.

documents relative to transportation matters (Senate, No. 2277);

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

By Mr. Boncore, for the committee on Housing, on petition, a Bill relative to the Economic Mobility and Stability Program (Senate, No. 724);

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

By Mr. Moore, for the committee on Higher Education, on petition (accompanied by bill, Senate, No. 667), a Bill ensuring students' access to academic transcripts (Senate, No. 2274);

By the same Senator, for the same committee, on Senate, No. 703 and House, No. 2994, a Bill relative to advance placement examinations (Senate, No. 2275);

By the same Senator, for the same committee, on Senate, No. 705 and House, No. 2234, a Bill relative to early college high schools (Senate, No. 2276);

By Mr. Boncore, for the committee on Housing, on petition, a Bill relative to interagency efforts to reduce and prevent homelessness (Senate, No. 725);

By the same Senator, for the same committee, on petition, a Bill relative to manufactured housing communities (Senate, No. 743) [Representatives DeCoste of Norwell and Diehl of Whitman dissenting];

By Mr. Boncore, for the committee on Transportation, on petition, a Bill to promote and advance motorcycle safety (Senate, No. 1922); and

By the same Senator, for the same committee, on petition, a Bill directing the Massachusetts Department of Transportation to conduct a highway noise study in Quincy (Senate, No. 1933);

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

By Mr. Boncore, for the committee on Transportation, on petition, a Bill relative to driving under the influence of toxic vapors (Senate, No. 1941); and

By the same Senator, for the same committee, on petition, a Bill designating certain bridges in the town of Bourne as the U.S. Army Special Forces Staff Sergeant Matthew A. Pucino Memorial Bridges (Senate, No. 2264);

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

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4162) of Smitty Pignatelli and Adam G. Hinds (by vote of the town) relative to the appointment of a treasurer-collector in the town of Stockbridge,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

A Bill relative to Alzheimer's and related dementia in the Commonwealth (House, No. 4116, amended,-- on House, Nos. 335, 1200, 1223 and 2884 and Senate, No. 341, 1224, 1239 and 1264),-- **was read and, under Senate Rules 27, referred to the committee on Ways and Means.**

Bills

Relative to life insurance (House, No. 3894, amended,-- on House, Nos. 675

Economic Mobility and Stability Program.

Academic transcripts,-- access.

Advanced placement exams,-- credit.

Early college,-- program.

Homelessness,-- interagency efforts.

Manufactured housing,-- commission.

Motorcycle safety.

Quincy,-- noise study.

Toxic vapors,-- driving.

Bourne,-- bridge designation.

Stockbridge,-- treasurer-collector.

Alzheimer's and dementia.

Life insurance.

and 3653); and

Designating a certain bridge as the George Allaire Memorial Bridge (House, No. 4157,-- on petition);

Yarmouth,-- bridge designation.

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

Reports

Of the committee on Community Development and Small Business, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 80) of Harriette L. Chandler for legislation relative to smart growth housing trust fund; and

Smart growth housing trust fund.

Of the petition (accompanied by bill, Senate, No. 81) of Harriett L. Chandler, Michael J. Barrett, Jose F. Tosado, Chris Walsh and other members of the General Court for legislation to promote housing and sustainable development;

Housing development,-- promotion.

And recommending that the same severally be referred to the committee on Municipalities and Regional Government.

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

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

That (under Section 14 of Chapter 23A of the General Laws, as amended by Section 42 of Chapter 46 of the Acts of 2015) he has appointed Representative Mark of Peru to be his designee on the Rural Policy Advisory Commission.

Rural Policy Advisory Commission.

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

That (under House No. 3652 of the 190th General Court) he has appointed Representative Orrall of Lakeville to serve as his designee on the Martin Luther King, Jr. Memorial Committee.

Martin Luther King, Jr. Memorial Committee.

At a quarter past one o'clock P.M., Mr. Tarr doubted the presence of a quorum. The President, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently, at eighteen minutes past one o'clock P.M., a quorum was declared present.

Communication.

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

Senator Viriato M., deMacedo,-- absence from Chamber.

January 30, 2018

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

Dear Mr. Clerk,

I was unable to vote on three matters in the formal session of the Senate on January 25, 2018, due to the passing of my father, Alceu deMacedo.

Had I been present for roll call #320 on House Bill No. 1110, I would have voted in the affirmative.

Had I been present for roll call #321 on Senate Bill No. 2260, I would have voted in the affirmative.

I respectfully request that a copy of this correspondence be printed in the journal during the next session. Thank you in advance for your assistance in this matter.

Respectfully,
VINNY M. deMACEDO
Plymouth and Barnstable.

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

Ordered printed.

Message from His Excellency the Governor.

Message from His Excellency the Governor (pursuant to Article II, Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to the charter of the town of Abington (Senate, No. 2278) (received in the office of the Clerk of the Senate on Tuesday, January 30, 2018, at twenty minutes past four o'clock P.M.);

Abington,-- town charter.

The message was read; and, under Senate Rule 20, with the accompanying bill, was referred to the committee on Municipalities and Regional Government.

Sent to the House for concurrence.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill providing for capital facility repairs and improvements for the Commonwealth (House, No. 4045) (the committee on Bonding, Capital Expenditures and State Assets having recommended that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2244),--ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2279 [Bond authorization: \$3,546,000,000].

Capital bond bill.

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill providing for capital facility repairs and improvements for the Commonwealth (House, No. 4045) (the committee on Bonding, Capital Expenditures and State Assets having recommended that the bill ought to pass, with an amendment, substituting a new text, Senate, No. 2244) (the committee on Ways and Means having recommended that the bill ought to pass, with an amendment, substituting a new text, Senate, No. 2279) shall be placed in the Orders of the Day for a second reading on Thursday, February 8, 2018.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the

Senate by 5:00 P.M., on Monday, February 5, 2018. All such amendments shall be second-reading amendments to the proposed Ways and Means new text (Senate, No. 2279), 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. Keenan, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, February 8, for a second reading with the amendments pending.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4165) of David F. DeCoste and Douglas Thomson for legislation to exempt certain candidates from signing certain campaign finance affidavits;

Candidates,--
campaign finance
affidavits.

Under suspension of Joint Rule 12, to the committee on Election Laws.

Petition (accompanied by bill, House, No. 4166) of Alan Silvia, Carole A. Fiola and others for legislation to designate the boardwalk at Heritage State Park in the city of Fall River as the Robert Correia boardwalk;

Fall River,-- Robert
Correia boardwalk.

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

Petition (accompanied by bill, House, No. 4167) of David F. DeCoste and others relative to the reserve funds of condominiums;

Condominiums,--
reserve funds.

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

Petition (accompanied by bill, House, No. 4168) of Chris Walsh and others for legislation to establish a center for workforce development programs for persons with intellectual and developmental disabilities within the Department of Career Services;

Workforce
development center.

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

Petition (accompanied by bill, House, No. 4169) of Shawn Dooley relative to call and volunteer firefighters and emergency medical technicians;

Firefighters and
EMTs.

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

Engrossed Bills.

The following engrossed bills (both 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 President and laid before the Governor for his approbation, to wit:

Further regulating the use of funds in the Massachusetts Water Resources Authority Capital Infrastructure Fund in the town of Stoughton (House, No. 3958); and

Bills laid before the
Governor.

Further regulating certain activities of the Lake Quinsigamond Commission

(House, No. 4039).

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of Notice Section of the Calendar and considered as follows:

The House Bill abolishing the Board of License Commissioners in the town of Salisbury (House, No. 4029),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Salisbury Board of License Commissioners.

The Senate Bill establishing a special fund for recaptured funds from demolition liens or related grants in the town of Fairhaven (Senate, No. 2156),-- **was read a third time and passed to be engrossed.**

Fairhaven,-- special fund.

Sent to the House for concurrence.

Orders of the Day

The Orders of the Day were considered as follows:

Bills

Authorizing the appointing authority of the town of Mansfield to appoint police cadets to the police department of the town (House, No. 1327);

Second reading bills.

Exempting J. Adam Stagno from the maximum age requirement for police officers in the Town of North Andover (House, No. 3794);

Relative to town manager in the town of Ipswich (House, No. 4087); and

Exempting Nicholas L. Martone from the maximum age requirement for firefighters in the town of Andover (House, No. 4126);

Were severally read a second time and ordered to a third reading.

Recess.

There being no objection, at a twenty-two minutes before two o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess subject to the call of the Chair; and, at five minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

Orders of the Day

The Orders of the Day were further considered as follows:

The Senate Bill relative to the used vehicle record book (Senate, No. 1982),-- was read a second time and was amended, as previously recommended by the committee on Ways and Means, by substituting a new draft with the same title (Senate, No. 2269).

Used vehicle,-- record book.

The bill (Senate, No. 2269) was then ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at two minutes past two o'clock P.M., on motion of Mr. Rush, as follows, to wit (yeas 36 – nays 0) **[Yeas and Nays No. 322]:**

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.

Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.

Chandler, Harriette L.
Chang-Diaz, Sonia
Creem, Cynthia Stone
Cyr, Julian
DiDomenico, Sal N.
Donoghue, Eileen M.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.

Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
O'Connor Ives, Kathleen
Pacheco, Marc R.
Rodrigues, Michael J.
Rosenberg, Stanley C.
Ross, Richard J.
Rush, Michael F.
Spilka, Karen E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 36.

NAYS – 0.

ANSWERED “PRESENT”.

deMacedo, Viriato M.

Tarr, Bruce E. – 2.

**The yeas and nays having been completed at six minutes past two o'clock P.M., the bill was passed to be engrossed.
Sent to the House for concurrence.**

PAPERS FROM THE HOUSE.

A Bill making appropriations for fiscal year 2018 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4160, amended,-- on House, No. 4158),-- was read.

There being no objection, the rules were suspended on the motion, of Ms. Lovely, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Ms. Spilka moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate documents numbered 2280; and by striking out the emergency preamble.

After remarks, the amendment was adopted.

The bill, as amended, was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-nine minutes before three o'clock P.M. on the motion of the Ms. Spilka, as follows, to wit (yeas 38 – nays 0) **[Yeas and Nays No. 323]:**

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Creem, Cynthia Stone
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.

Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
O'Connor Ives, Kathleen
Pacheco, Marc R.

Supplemental
appropriations.

Donoghue, Eileen M.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.

Rodrigues, Michael J.
Rosenberg, Stanley C.
Ross, Richard J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 38.

NAYS – 0.

The yeas and nays having been completed at twenty-six before three o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Order Adopted.

On motion of Ms. L'Italien,--

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 President, the members, guests and staff stood in a moment of silence and reflection to the memory of Lieutenant Michael Winston of Pittsfield.

Moment of silence.

Adjourn In Memory of Lieutenant Michael Winston

The Senator from Berkshire, Hampshire, Franklin and Hampden, Mr. Hinds moves that when the Senate adjourns today, it adjourn in memory of Lieutenant Michael Winston of Pittsfield.

Mr. Hinds in the Chair, Lieutenant Winston was a devoted Pittsfield Police Officer, husband, and father.

Lieutenant Winston was born and raised in Pittsfield and graduated from Taconic High School in 1980. He went on to receive Bachelors and Master's Degrees from Anna Maria College. He returned to Pittsfield and began his career with the Pittsfield Police Department in 1994. He was promoted to the rank of Sergeant in 2000 and then Lieutenant in 2002. He served for the past 14 years as commander of the Berkshire County Special Response Team.

In addition to his police work, Lieutenant Winston was a devoted family man. He loved spending time with his wife, Kate, daughters, Jessica, Kendall, and Casey, and grandson Mason. He will be fondly remembered spending time with his family and friends on his pontoon boat. Lieutenant Winston also loved to give back to his community in other ways. He coached Little League Baseball for well over 10 years and then moved on to coach Babe Ruth League beginning in 2012.

The President in the Chair, accordingly, as a mark of respect in memory of Lieutenant Michael Winston, at twenty-three minutes before three o'clock P.M., on motion of Mr. Barrett, the Senate adjourned to meet again on Monday next at

eleven o'clock A.M.
