

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, FEBRUARY 12, 2018.

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JOURNAL OF THE SENATE.

Monday, February 12, 2018.

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

Pledge of allegiance.

Reports.

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

Report of the Department of Youth Services (pursuant to Section 22 of Chapter 120 of the General Laws) submitting its annual report for calendar year 2016 (received February 7, 2018);

DYS,-- 2016 annual report. SD2529

Report of the Plymouth 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 February 7, 2018).

Plymouth, -- ROD. SD2530

Petition.

Mr. Ross presented a petition (accompanied by bill) (subject to Joint Rule 12) of Richard J. Ross for legislation to require professional cleanup following a suspected fentanyl-related incident;

Fentanyl incident,-- cleanup. SD2531

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

Reports of Committees.

By Mr. Lewis, for the committee on Public Health, on petition, a Bill relative to the closing of hospital essential services (Senate, No. 1199);

Hospital essential services.

Referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Lewis, for the committee on Public Health, on petition, a Resolve creating a special commission to examine the health impacts of electromagnetic fields (Senate, No. 1268);

Health impacts,-- electromagnetic fields.

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

By Mr. Boncore, for the committee on Transportation, on petition, a Bill defining special regulations for vehicle specific checkpoints (Senate, No. 1921);

Motor vehicles,-- checkpoints.

By the same Senator, for the same committee, on petition, a Bill to provide for an air bag on-off switch to ensure safety to women, children and individuals with medical conditions (Senate, No. 1951);

Air bag,-- safety.

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

MassDOT,--

UNCORRECTED PROOF.

Massachusetts Department of Transportation to assess the current status of the Commonwealth's transportation system (Senate, No. 1952);

By the same Senator, for the same committee, on petition, a Resolve relative to a special VFW Parkway master plan commission (Senate, No. 1983);

By the same Senator, for the same committee, on petition, a Bill promoting road safety (Senate, No. 1989);

By the same Senator, for the same committee, on petition, a Bill relative to increasing the civil fines and financial responsibilities and criminal penalties of motorists who violate the right of way of other motorists, motorcyclists, bicyclists and/or pedestrians, resulting in serious bodily injury and/or death (Senate, No. 1990);

By the same Senator, for the same committee, on petition, a Bill relative to educational requirements for class 2 motor vehicle licensees (Senate, No. 2000);

By the same Senator, for the same committee, on petition, a Bill relative to motorcycle permit requirements (Senate, No. 2226) [Senator Tran dissenting]; and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1909), a Bill to regulate the use of automatic license plate reader systems (Senate, No. 2299) [Representative Hunt of Boston dissenting];

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

By Mr. Timilty, for the committee on State Administration and Regulatory Oversight, on petition, a Bill to establish February 20 as Frederick Douglass Day (Senate, No. 1740);

By Mr. Boncore, for the committee on Transportation, on petition, a Bill relative to year of manufacture registration plates (Senate, No. 1920);

By the same Senator, for the same committee, on petition, a Bill designating a certain bridge in the town of Norwood as the Thomas J. Kewriga Memorial Bridge (Senate, No. 1984);

By the same Senator, for the same committee, on petition, a Bill designating a certain bridge in the town of Dedham as the Honorable Kelly A. Timilty Memorial Bridge (Senate, No. 1986); and

By the same Senator, for the same committee, on petition, a Bill relative to the Lafayette Trail (Senate, No. 2265);

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

By Mr. Boncore, for the committee on Transportation, on petition, a Bill authorizing the City of Westfield to categorize all certain private ways a public streets (Senate, No. 2241) [Local approval received];

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

PAPER FROM THE HOUSE

A Bill to establish a sick leave bank for Mary Goddard, an employee of the Department of Correction (House, No. 3868, amended,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Resolutions.

The following resolutions (having been filed with the Clerk) were severally

assessment.

VFW Parkway,--
commission.

Yellow dot program.

Motorists,-- right of
way.

Motor vehicle
licensees,--
requirements.
Motorcycle,-- permit
requirements.

Automatic license
plate reader.

Frederick Douglass
Day.

Registration plates.

Norwood,-- bridge.

Kelly A. Timilty
Memorial Bridge.

Lafayette Trail.

Westfield,-- private
ways.

Mary Goddard,--
sick leave.

considered forthwith and adopted, as follows:-

Resolutions (filed by Mr. Pacheco) “congratulating Joshua Desmond of the town of Middleborough on his elevation to the rank of Eagle Scout”;

Joshua Desmond.

and Resolutions (filed by Mr. Pacheco) “congratulating Jack Gerrior of the town of Middleborough on his elevation to the rank of Eagle Scout.”

Jack Gerrior.

Communication.

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

Senator Michael J. Barrett,-- absence from Chamber.

February 9, 2018

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

Dear Mr. Clerk:

Yesterday I was absent from the chamber due to an illness, and I missed two roll call votes.

On the question of adoption of the amendment, removing the word “acting” from the order preceding the election of Senator Chandler as President of the Senate (Roll Call No. 324), were I present I would have voted yes.

On the question of engrossment of the bill providing for capital facility repairs and improvements for the Commonwealth (House, No. 4045, Roll Call No. 325), were I present, I would have voted yes.

I respectfully request that the communication be printed in the journal of the Senate for the next session.

Appreciatively,
MICHAEL J. BARRETT
State Senator
THIRD MIDDLESEX.

On motion of Mr. deMacedo, 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 House Bill further amending the charter of the town of Middleton (House, No. 3725) (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.**

Middleton,-- charter.

The House Bill relative to the sewer construction and private way maintenance and improvement fund in the town of Barnstable (House, No. 3953),-- **was read a third time and passed to be engrossed, in concurrence.**

Barnstable,-- sewer and private ways.

The House Bill establishing a residence requirement for the second and subsequent terms of the town manager of the town of Ipswich (House, No. 4087) (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.**

Ipswich,-- town manager.

The House Bill exempting Nicholas L. Martone from the maximum age requirement for firefighters in the town of North Andover (House, No. 4126),-- **was read a third time and passed to be engrossed.**

Nicholas Martone,-- age requirement.

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 House Bill designating a certain bridge in the city of Fall River as the Ronald Costa Bridge (House, No. 4031).

Fall River,--Costa Bridge.

There being no objection, the rules were suspended, on motion of Mr. Boncore, 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 Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of James B. Eldridge, Barbara A. L'Italien, David M. Rogers, Diana DiZoglio and other members of the General Court for legislation to promote health, safety and well-being in the legislature.

Legislature,-- promote well-being. SD2487

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

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. 4227) of Patricia A. Haddad and Marc R. Pacheco for legislation to authorize the county commissioners of Bristol County to borrow money for the repair, renovation and construction, equipping and furnishing of buildings at Bristol County Agricultural High School in the town of Dighton;

Bristol County Agricultural High School.

Under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4228) of James M. Murphy for legislation to establish a sick leave bank for Alyssa Nelson, an employee of the Office for Victim Assistance;

Alyssa Nelson,-- sick leave.

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

Petition (accompanied by bill, House, No. 4230) of Linda Dean Campbell and others relative to the reserve power systems of publicly owned treatment work;

Reserve power systems.

Under suspension of Joint Rule 12, to the committee on Telecommunications, Utilities and Energy.

Emergency Preamble Adopted.

An engrossed Bill providing the terms of certain bonds to be issued by the Commonwealth (see House Bill, printed in House, No. 4147), 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 3 to 0.

Terms of bonds.

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

Recess.

There being no objection, at sixteen minutes past eleven o'clock A.M., the Chair (Ms. Lovely) declared a recess subject to the call of the Chair; and, at sixteen minutes before twelve o'clock noon, the Senate reassembled, Ms. Lovely in the Chair.

Recess.

Report of a Committee.

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 to establish February 20 as Frederick Douglass Day (Senate, No. 1740).

Frederick Douglass Day.

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

Pending the question on ordering the bill to a third reading, Mr. Montigny requested that the bill be amended by striking out all after the enacting clause and inserting in place the following text:-

“SECTION 1. Chapter 6 of the General Laws is hereby amended by inserting after section 15FFFFFF the following section:-

Section 15GGGGGG. The governor shall annually issue a proclamation setting apart February 14 as Frederick Douglass Day, in recognition of the outstanding contributions of Frederick Douglass to the abolitionist movement and his lifelong fight for equality in the commonwealth and throughout the United States, and recommend that the day be observed in an appropriate manner by the people.”;

By inserting before the enacting clause the following emergency preamble:-

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to recognize the outstanding contributions of Frederick Douglass, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”; and

By striking out the title and inserting in place thereof the following title:-

“An Act designating February 14 as Frederick Douglass Day.”.

The amendment was adopted

The bill (Senate, No. 1720, amended) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

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. Lovely) and laid before the Governor for his approbation, to wit:

Authorizing the Berkshire County Regional Housing Authority to convey a certain parcel of land in the town of Sheffield to the Great Barrington Housing Authority (see Senate, No. 2102, amended);

Relative to the retirement benefits of certain employees of the city of Chicopee (see House, No. 3942);

Providing for the purchase of the Milford Water Company by the town of Milford (see House, No. 3978);

Relative to the dissolution of the Milford Water Company and the acquisition of its assets by the town of Milford (see House, No. 4055); and

Providing the terms of certain bonds to be issued by the Commonwealth (see House Bill, printed in House, No. 4147).

Bills laid before the Governor.

Order Adopted.

On motion of Mr. deMacedo,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Wednesday next 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 Linda Dorcena Forry; and when said session adjourns, it meet again forthwith at two o'clock P.M., in the Senate Chamber, in a full formal session with a calendar.

Time of meeting.

On motion of Mr. deMacedo, at thirteen minutes before twelve o'clock noon, the Senate adjourned to meet again on Wednesday next at one o'clock P.M., in the House Chamber and two o'clock P.M., in Gardner Auditorium, in a full formal session with a calendar.