

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



WEDNESDAY, FEBRUARY 14, 2018.

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JOURNAL OF THE SENATE.

Wednesday, February 14, 2018.

Met at twenty-nine minutes past two o'clock P.M.

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

Pledge of allegiance.

At a half past two 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 twenty-two minutes before three o'clock P.M., a quorum was declared present.

Petition.

Mr. Rodrigues presented a petition (accompanied by bill, Senate, No. 2303) of Michael J. Rodrigues and Paul A. Schmid, III (by vote of the town) for legislation to authorize the town of Westport to grant 1 additional liquor license for the sale of wine and malt beverages not to be drunk on the premises [Local approval received];

Westport,-- liquor license.

Referred, under Senate Rule 20, to the committee on Consumer Protection and Professional Licensure.

Sent to the House for concurrence.

Reports of Committees.

By Mr. Pacheco, for the committee on Global Warming and Climate Change, that the Senate Bill relative to 2030 and 2040 emissions benchmarks (Senate, No. 479),-- ought to pass, with an amendment substituting a new draft entitled "An Act to promote a clean energy future" (Senate, No. 2302) (also based on Senate, Nos. 477, 478, changed, and 1974 and House, No. 3994);

Clean energy.

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

By Ms. Lovely, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill eliminating archaic language pertaining to individuals with disabilities in the Commonwealth of Massachusetts (Senate, No. 50); and

Individuals with disabilities,-- archaic language.

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on Senate, No. 459 and House, No. 2933, a Bill concerning the use of animals in product testing (Senate, No. 459);

Animals,-- product testing.

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

Placed on File.

Ms. L'Italien, for the committee on Consumer Protection and Professional Licensure, on the Communication from the Massachusetts Gaming Commission (pursuant to Section 9B of Chapter 128A of the General Laws) submitting proposed amendments to regulations 205 CMR 3.00: Harness Horse Racing and

Gaming Commission,-- proposed regulations.

205 CMR 4.00: Rules of Horse Racing (Senate, No. 2162),-- **reported that the regulations and conditions are consistent with the statutory provisions under which they were promulgated and further recommended that the same be placed on file.**

Under Senate Rule 36, the report was considered forthwith and was accepted.

Sent to the House for concurrence.

PAPER FROM THE HOUSE

A Bill establishing a sick leave bank for Jason Dobson, an employee of the Department of Correction (House, No. 4139,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Jason Dobson,-- sick leave.

Resolutions.

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

Resolutions (filed by Ms. Friedman, Messrs. Lesser, DiDomenico and Rosenberg, Ms. Gobi, Ms. Lovely, Messrs. Humason and Lewis, Ms. Spilka, Messrs. O'Connor and Rodrigues, Ms. L'Italien, Messrs. Tran and Boncore, Ms. Jehlen and Messrs. Tarr, Moore and Brownsberger) "recognizing the Commonwealth's Athletes who were selected to compete in the XXIII Olympic Winter Games."

XXIII Olympic Winter Games.

Emergency Preamble Adopted.

An engrossed Bill designating a certain bridge in the city of Fall River as the Ronald Costa Bridge (see House, No. 4031), 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 16 to 0.

Fall River,-- bridge designation.

The bill was signed by the President and sent to the House for enactment.

Reports of Committees.

Reports

Of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, Senate, No. 112) of Eileen M. Donoghue, Attorney General Maura Healey, Jennifer E. Benson, Denise Provost and other members of the General Court for legislation to establish a student tuition recovery fund.

Student tuition,-- recovery fund.

There being no objection, the rules were suspended, on motion of Mr. Feeney, and the matter was considered forthwith.

On motion of Ms. L'Italien, the report was amended by substituting a "Bill establishing a student tuition recovery fund" (Senate, No. 112)

The bill was read; and, under Senate Rule 27, referred to the committee on Ways and Means.

Of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, Senate, No. 130) of Barbara A. L'Italien, Marjorie C. Decker, James B. Eldridge, Paul R.

Consumer credit reports,-- fees.

Heroux and other members of the General Court for legislation to remove fees for security freezes and disclosures of consumer credit reports.

There being no objection, the rules were suspended, on motion of Ms. Lovely, and the matter was considered forthwith.

On motion of the same Senator, the report was amended by substituting a "Bill relative to consumer protection from security breaches" (Senate, No. 2304)

The bill was read; and, under Senate Rule 27, referred to the committee on Ways and Means.

Of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, Senate, No. 134) of Barbara A. L'Italien for legislation relative to online lottery products.

Lottery,-- online products.

There being no objection, the rules were suspended, on motion of Mr. Pacheco, and the matter was considered forthwith.

On motion of the same Senator, the report was amended by substituting a "Bill relative to online lottery products" (Senate, No. 134).

The bill was read; and, under Senate Rule 27, to the committee on Ways and Means.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Linda Thernize-Williams, an employee of the Department of Transitional Assistance (Senate, No. 2251),-- ought to pass, with an amendment inserting before the enacting clause the following emergency preamble:-

Linda Thernize-Williams,-- 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 transitional assistance, 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 Mr. Rush, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2251, 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.

A petition (accompanied by bill, House, No. 4240) of Hannah Kane and Michael O. Moore (by vote of the town) for legislation to authorize the commissioner of Capital Asset Management and Maintenance to convey certain parcels of land to the town of Shrewsbury,-- **was referred in concurrence, under suspension of Joint Rules 12, to the committee on State Administration and Regulatory Oversight.**

DCAMM,-- Shrewsbury land.

Engrossed Bills.

The following engrossed bills (all 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 Acting President (Mr. Petruccelli) and laid before the Governor for his approbation, to wit:

Further amending the charter of the town of Middleton (see House, No. 3725);

Bills laid before the

Relative to the sewer construction and private way maintenance and improvement fund in the town of Barnstable (see House, No. 3953);

Governor.

Establishing a residency requirement for the second and subsequent terms of the town manager of the town of Ipswich (see House, No. 4087); and

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

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

To provide property tax exemptions for certain nonprofit senior housing in Boxford (Senate, No. 2286);

Second reading bills.

Establishing a revolving fund for a school learning lab within a vocational-technical program operated by the public schools in the Town of Westborough (House, No. 3992, amended);

Establishing a special fund in the town of Westborough (House, No. 4028, amended);

Establishing the Appointed Office of Town Clerk in the Town of Ayer (House, No. 4077);

Establishing the Appointed Office of Tree Warden in the Town of Ayer (House, No. 4078);

Establishing the Appointed Position of Treasurer-Collector in the Town of Ayer (House, No. 4079); and

Relative to the funding of the Other Post-Employment Benefits Liability Trust Fund in the Town of Northbridge (House, No. 4084);

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

The Senate Bill to protect access to confidential healthcare (Senate, No. 591),-
- was read a second time.

Confidential
healthcare,- access.
Recess.

After remarks and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means, that the bill be amended by substituting a new draft with the same title (Senate, No. 2296), and pending the main question on ordering the bill to a third reading, at one minute before three o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at twenty-six minutes before four o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

The Orders of the Day were further considered as follows:

The Senate Bill to protect access to confidential healthcare (Senate, No. 591),-
- was further considered, the main question being on ordering the bill to a third reading.

Confidential
healthcare,- access.

Messrs. Tarr, Ross, Humason, deMacedo, Fattman, O'Connor, Tran, Rush and Timilty moved that the proposed new draft be amended by adding the following section:-

2

"SECTION_. Nothing in this act shall supersede any general or special law related to the informed consent of minors."

The amendment was adopted.

Ms. Spilka moved that the proposed new draft be amended in section 4, by striking out, in lines 80 and 81, the words "Subsections (b) to (g), inclusive, of

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section 27 of chapter 176O of the General Laws shall take effect 9 months after the effective date of this act” and inserting in place thereof the following words:- “Clause (D) of subsection (b) of section 27 of chapter 176O of the General Laws shall take effect on April 1, 2019”.

The amendment was adopted.

The Ways and Means amendment, as amended, was then adopted.

The bill (Senate, No. 2296, amended) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill expanding the community college training incentive program (Senate, No. 676),-- was read a second time.

Community colleges,-- training.

Pending the question on adoption of the amendment previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2297), and pending the main question on ordering the bill to a third reading, Mr. Tarr moved that the proposed new draft be amended by adding the following section:-

1

"SECTION 2. The commissioner of higher education shall investigate the feasibility of developing a finish line scholarship program to provide scholarships to cover the entire cost of tuition and fees for 1 year other than the first year, in a program leading to an associate’s or bachelor’s degree at a Massachusetts public college or university to full-time residents in need of financial assistance whose family income is less than the 125 per cent of the median family income.

The department shall provide recommendations to the general court on: (i) potential cost of the program; (ii) potential sources of funding for the program; (iii) eligibility requirements; (iv) selection criteria including, but not limited to, acceptable grades and an academic plan for timely degree completion; (v) metrics for measuring the success of the program; and (vi) any other guidelines that may increase overall student success and graduation rates and that may lower achievement gaps for high-risk students.

The department shall file its report and its recommendations with the clerks of the senate and house of representatives, the senate and house chairs of the joint committee on higher education and the chairs of the house and senate committees on ways and means not later than January 1, 2019.”

Subsequently, the amendment was adopted.

The Ways and Means amendment, as amended, was then adopted.

The Bill (Senate, No. 2297, amended) was the 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 eight minutes before four o’clock P.M., on motion of Ms. Donoghue, as follows, to wit (yeas 35 – nays 0) **[Yeas and Nays No. 326]:**

YEAS.

- | | |
|--------------------------|-----------------------|
| Boncore, Joseph A. | Lesser, Eric P. |
| Brady, Michael D. | Lewis, Jason M. |
| Brownsberger, William N. | L'Italien, Barbara A. |
| Chang-Diaz, Sonia | Lovely, Joan B. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Cyr, Julian | Moore, Michael O. |
| deMacedo, Viriato M. | O'Connor, Patrick M. |

UNCORRECTED PROOF.

DiDomenico, Sal N.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Rosenberg, Stanley C.
Feeney, Paul R.	Ross, Richard J.
Friedman, Cindy F.	Rush, Michael F.
Gobi, Anne M.	Spilka, Karen E.
Hinds, Adam G.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, Walter F.
Jehlen, Patricia D.	Welch, James T. – 35.
Keenan, John F.	

NAYS – 0.

ABSENT OR NOT VOTING.

Barrett, Michael J.	Tran, Dean A. – 2.
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The yeas and nays having been completed at four minutes before four o'clock P.M., the bill was passed to be engrossed. Sent to the House for concurrence.

There being no objection during consideration of the Orders of the Day, the following matter was considered as follows:

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill designating a certain bridge in the city of Fall River as the Ronald Costa Bridge (see House, No. 4031) (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 President and laid before the Governor for his approbation.**

Bill laid before the Governor.

Order Adopted.

Mr. Barrett presented an Order relative to granting the committee on Telecommunications, Utilities and Energy until February 21, 2018, within which time to make its final report on certain current Senate documents numbered 1853 and 1877 (Senate, No. 2305),-- **and the same was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently.**

Telecommunications, Utilities and Energy,-
- extension order.

Subsequently, Mr. Montigny, for the said committees, reported that the order ought to be adopted.

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

Sent to the House for concurrence.

Report of a Committee.

A report of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, Senate, No. 136) of Barbara A. L'Italien, Jay R. Kaufman, Ann-Margaret Ferrante, Jennifer L. Flanagan and other members of the General Court for

Craft brewers,--
contract rights.

legislation to restore contract rights to craft brewers.

There being no objection, the rules were suspended, on motion of Ms. L'Italien, and the matter was considered forthwith.

Ms. L'Italien then moved that the report be amended by substituting a "Bill restoring contract rights to craft brewers" (Senate, No. 136).

Pending the question on substitution of the bill, and pending the main question on acceptance of the adverse report, Mr. Moore moved that the matter be laid on the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed without question until the next session.

Order Adopted.

On motion of Mr. Pacheco,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on tomorrow 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 former Treasurer Robert Q. Crane.

Moment of silence.

Adjourn In Memory Of Former Treasurer Robert Q. Crane

The Senator from Norfolk And Suffolk, Mr. Rush, moved that when the Senate adjourns today, it adjourn in memory of Robert Q. Crane.

Mr. Rush in the Chair, the Honorable Robert (Bob) Q. Crane also known as former Treasurer Crane, of Wellesley, passed away, January 5, 2018 at the age of 91, leaving his legacy as the longest serving State Treasurer.

Bob grew up in the Brighton, where he attended the Presentation School in Oak Square and graduated from Boston English High School in 1943. In 1944, he joined the United States Marine Corps, Second Battalion, Fourth Marines Regiment, Sixth Marine Division and fought in the Battle of Okinawa. Bob went on to study at Boston College, graduating in 1949.

In 1956 Bob was elected to the House of Representatives, where he rose through the ranks and was named Assistant Majority Leader. Following former treasurer Driscoll's departure. Bob effectively campaigned for votes in the Legislature, which elected him to fill the interim treasurer post in early 1964. That fall, he defeated primary candidates, and he went on to win the first of several general elections.

Treasurer Crane was the longest-serving state treasurer and the first chairman of the State Lottery. Treasurer Crane was considered the most successful in the nation. Not only was Bob an outstanding politician he gave back to others in many ways.

He served as chairman of the Democratic State Committee in the early 1970s, correcting the organization's financial ship and eliminating its debts. After retiring as treasurer in 1991, he became a Merkert Enterprises executive and provided entertainment state wide with his excellent singing voice as a member of the Treasury Notes.

Treasurer Crane will truly be missed by his wife Mary, their five children and

six grandchildren and his many friends here in State Government.

The President in the Chair, accordingly, as a mark of respect in memory of former Treasurer Robert Q. Crane, at four minutes past four o'clock P.M., on motion of Mr. deMacedo, the Senate adjourned to meet again tomorrow at eleven o'clock A.M.
