

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



TUESDAY, FEBRUARY 20, 2018.

[20]

JOURNAL OF THE SENATE.

Tuesday, February 20, 2018.

Met at three minutes past eleven o'clock A.M. (Mr. Brownsberger in the Chair).

The Chair (Mr. Brownsberger), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Communication.

Communication from the Department of Public Health relative to plans of correction for the following correctional facilities:

DPH, -- plans of
correction.
SD2540

Northeastern Correctional Center

Podville Correctional Center

Berkshire County Jail and House of Correction

Worcester County House of Corrections and Jail

MCI Framingham

MCI Shirley

Old Colony Correctional Center (received February 16, 2018),-- **was placed on file.**

Reports.

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

Report of the Division of Capital Asset Management and Maintenance (pursuant to Section 39 of Chapter 7C of the General Laws) submitting its February 2017 - February 2018 report on real property owned and leased by the Commonwealth of Massachusetts (received February 15, 2018);

DCAMM,-- real
property report.
SD2536

Report of the Department of Early Education and Care (pursuant to Chapter 15D of the General Laws) submitting its 2017 Annual Legislative Report (received February 15, 2018); and

EEC,-- annual report.
SD2538

Report of the Department of Public Health (pursuant to Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspections of the following correctional facilities:

DPH,-- facility
inspections
SD2539

Middlesex County Jail and House of Correction

Norfolk County House of Correction and Alternative Center

MCI Framingham

MASAC in Plymouth (received February 16, 2018).

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 2307) of Marc R. Pacheco and Susan Williams Gifford (by vote of the town) for legislation to authorize the town of Wareham to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises [Local approval received];

Wareham,-- liquor
license.

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

Sent to the House for concurrence.

By Mr. Rodrigues, a petition (accompanied by bill) (subject to Joint Rule 12) of Michael J. Rodrigues, Steven S. Howitt and Patricia A. Haddad for legislation to establish a sick leave bank for David Silvia Jr., an employee of the Department of Correction;

David Silvia,-- sick leave.
SD2541

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

Reports of Committees.

By Mr. Eldridge, for the committee on Financial Services, on petition, a Bill improving lives by ensuring access to brain injury treatment (Senate, No. 502);

Cognitive rehabilitation.

By the same Senator, for the same committee, on petition, a Bill relative to ensuring treatment for genetic craniofacial conditions (Senate, No. 511);

Craniofacial conditions,-- treatment.

By the same Senator, for the same committee, on petition, a Bill promoting continuity of care for multiple sclerosis treatment (Senate, No. 539); and

Multiple sclerosis,-- treatment.

By the same Senator, for the same committee, on petition, a Bill relative to medication synchronization (Senate, No. 556);

Health insurance,-- medication synchronization.

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

By Mr. Eldridge, for the committee on Financial Services, on petition, a Bill protecting the privacy of consumer financial information (Senate, No. 116);

Financial information,-- privacy.

By the same Senator, for the same committee, on petition, a Bill relative to the remediation of home heating oil releases (Senate, No. 534);

Home heating,-- remediation.

By the same Senator, for the same committee, on petition, a Bill relative to the licensure of insurance adjusters in the Commonwealth (Senate, No. 535);

Insurance adjusters,-- licensure.

By the same Senator, for the same committee, on petition, a Bill relative to surplus lines insurance premiums (Senate, No. 2238); and

Insurance premiums,-- surplus lines.

By Mr. Timilty, for the committee on State Administration and Regulatory Oversight, on petition, a Bill relative to Chapter 30B procurement (Senate, No. 2094);

Chapter 30B,-- procurement.

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 relative to sleep deprivation avoidance and promotion of good sleeping practices (Senate, No. 1720);

Sleep deprivation,-- avoidance.

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

By Mr. Timilty, for the committee on State Administration and Regulatory Oversight, on petition, a Bill amending Chapter 268 of the Acts of 2000 (Senate, No. 2189) [Local approval received];

New Braintree,-- land.

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

PAPERS FROM THE HOUSE

A Bill designating a certain bridge in the town of Lee as the Lou DiGrigoli Memorial Bridge (House, No. 4156, changed and amended,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Lee,-- Lou DiGrigoli
Memorial Bridge.

A Bill amending the charter of the town of Chelmsford (House, No 4243,-- on House, Nos. 4071 and 4124) [Local approval received on House, Nos. 4071 and 4124],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Chelmsford,--
charter.

Resolutions.

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

Resolutions (filed by Mr. Pacheco) “congratulating Preston E. Brown of the town of Middleborough on his elevation to the rank of Eagle Scout.”

Preston E. Brown.

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 relative to candidates for mayor and city council in Framingham (printed in House, No. 4046),-- was read a third time.

Framingham,--
candidates.

Pending the question on passing the bill to be engrossed, Ms. Spilka presented an amendment striking out all after the enacting clause and inserting in place thereof the following text:-

“Section 19 of chapter 55 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in line 7, the figure ‘75,000’ and inserting in place thereof the following figure:- 65,000.”;

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

“Whereas, The deferred operation of this act would tend to defeat its purposes, which is to further regulate certain reporting requirements for candidates for the office of mayor and city council in certain cities, 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 FURTHER REGULATING CERTAIN REPORTING REQUIREMENTS FOR CANDIDATES FOR THE OFFICE OF MAYOR AND CITY COUNCIL IN CERTAIN CITIES.”.

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendments.

Sent to the House for concurrence in the amendments.

The Senate Bill relative to the appointment of retired police officers in the town of Essex (Senate, No. 2271),-- **was read a third time and passed to be engrossed.**

Essex,-- retired
police officers.

Sent to the House for concurrence.

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 as the George Allaire Memorial Bridge (House, No. 4157).

George Allaire
Memorial Bridge.

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 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 for legislation relative to wiretapping for drug trafficking.

Drug trafficking,--
wiretap.
SD2091

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 Thomas Beaton for legislation relative to hardship licenses for first time offenders.

First time offenders,-
- licenses.
SD2093

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 Bruce E. Tarr, Richard J. Ross, Donald F. Humason, Jr., Viriato M. deMacedo and other members of the General Court for legislation to ensure forensic service integrity.

Forensic service
integrity.
SD2175

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 Public Safety and Homeland Security.

Severally sent to the House for concurrence.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4245) of Nick Collins for legislation to establish a sick leave bank for Essie Page, an employee of the Parole Board,-- **was referred in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Essie Page,-- sick
leave.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday 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 Chair (Mr. Brownsberger), the members, guests and staff stood in a moment of silence and reflection to the memory of former Plainville Police Chief Edward "Ned" Merrick, Jr.

Moment of silence.

Adjourn In Memory of Plainville Police Chief Edward “Ned” Merrick, Jr.

The Senator from Norfolk, Bristol and Middlesex, Mr. Ross, moved that when the Senate adjourns today, it adjourn in memory of former Plainville Police Chief Edward “Ned” Merrick, Jr.

Chief Edward “Ned” Merrick, Jr. passed away on January 5, 2018 at his home in Plainville after a lengthy illness.

Chief Merrick served in the United States Air Force during the Vietnam War, and later served in the Massachusetts National Guard. After serving as a police officer in Brookline for 24 years, he served as the Chief of Police in Plainville from 1995 to 2009 and was also the Plainville Director of Public Safety. Chief Merrick worked part-time as Legislative Director for the Massachusetts Police Association (MPA) in the 1980s and 1990s, and was elected President of the MPA in 1998. He was elected president of the Massachusetts Chiefs of Police Association in 2003, making him the first person to serve as President of both the MPA and the Massachusetts Chiefs of Police Association.

Chief Merrick was very involved in police training, serving as a member of the Massachusetts Criminal Justice Training Council from 1989-1993, a Certified Instructor from 1987 until his retirement, and as adjunct faculty at Anna Maria College and Western New England College. Chief Merrick also served on the Commonwealth of Massachusetts Joint Labor-Management Committee for Police and Fire, the State-Wide Emergency Telecommunications Board, the International Association of Chiefs of Police Legislative Committee, and the Massachusetts Fraternal Order of Police. With a deep devotion to charitable affairs, Chief Merrick served in leadership roles with the Law Enforcement Memorial Foundation, Lions Club, and the Benevolent and Protective Order of the Elks.

Chief Merrick is survived by his wife, Donna, his children, Lynne Merrick Nagle, Edward Merrick III and his wife, Susan, and Stephen Merrick and his wife Christina, as well as several grandchildren.

Accordingly, as a mark of respect in memory of Edward “Ned” Merrick, Jr., at ten minutes past eleven o’clock A.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Thursday next at eleven o’clock A.M.