

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, FEBRUARY 22, 2018.

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JOURNAL OF THE SENATE.

Thursday, February 22, 2018.

Met at nine 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 rear of the Chamber, members of the United States Naval Sea Cadet Corps, Constitutional Division, servicing the north shore communities. The USNSCC is a national youth leadership development organization that promotes interest and skill in naval disciplines while instilling strong moral character and life skills. Through this organization, cadets are committed to developing an interest and ability in seamanship and seagoing skills, instill virtues of good citizenship and strong moral principles, demonstrate the value of an alcohol, drug, and gang free lifestyle, and expose cadets to public service and a variety of career paths. Among the group were Tom and Danielle Martinuk, Dawn Blynn, Christine Sheedy, are Cadets Phillip Blynn, Chris Gingrass, Irene Emerson, Patrick Emerson, TJ Martinuk, Nathan Bui, Jordan Young, Kyle Sheedy, and Eric Borsa. The Senate welcomed them with applause and they withdrew from the Chamber. The group was led by Lieutenant Commander Alfred McMullen, Jr. They were also guests of Senator O'Connor Ives.

United States Naval
Sea Cadet Corps.

Communication.

Communication from the Human Resources Division (pursuant to Section 25 of Chapter 31 of the General Laws) submitting a list of civil service police promotional lists that have been revoked as of October 1, 2017 (received February 22, 2018),-- **was placed on file.**

HRD,-- civil service
promotional lists.
SD2543

Report.

Report of the Department of Transitional Assistance (pursuant to Section 10 of Chapter 18 of the General Laws) submitting its annual report regarding DTA operations, organization, and responsibilities (received February 20, 2018), -- **was placed on file.**

DTA,-- annual report.
SD2542

Reports of Committees.

By Ms. L'Italien, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill relative to vehicle recalls (Senate, No. 97);

Vehicle recalls.

By the same Senator, for the same committee, on petition, a Bill relative to motor vehicle warranties (Senate, No. 109);

Motor vehicle,--
warranties.

By the same Senator, for the same committee, on petition, a Bill creating transparency in emerging price discrimination technologies (Senate, No. 113);

By the same Senator, for the same committee, on petition, a Bill to protect consumers with automobile leases (Senate, No. 127);

By the same Senator, for the same committee, on petition, a Bill establishing a student loan bill of rights (Senate, No. 129);

By the same Senator, for the same committee, on petition, a Bill providing for the licensing of applied behavior analysts (Senate, No. 135);

By the same Senator, for the same committee, on petition, a Bill relative to the fair distribution and pricing of event tickets (Senate, No. 154);

By the same Senator, for the same committee, on petition, a Bill relative to the inclusion of online courses mandatory continuing education for electricians (Senate, No. 172);

By the same Senator, for the same committee, on petition, a Bill protecting consumers of sign language and oral interpretation and transliteration (Senate, No. 173); and

By the same Senator, for the same committee, on petition, a Bill further regulating temporary inventory adjustments of malt beverages (Senate, No. 2153);

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

By Ms. L'Italien, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill to protect rental car customers (Senate, No. 98);

By the same Senator, for the same committee, on petition, a Bill providing immunity for individuals under age 21 seeking medical assistance for an alcohol-related overdose (Senate, No. 111);

By the same Senator, for the same committee, on petition, a Bill protecting consumers in the issuance of sports and entertainment tickets (Senate, No. 115);

By the same Senator, for the same committee, on petition, a Bill relative to mobile wireless contracts and agreements (Senate, No. 155);

By the same Senator, for the same committee, on petition, a Bill relative to the licensure of appraisers (Senate, No. 156);

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

PAPERS FROM THE HOUSE

A Bill establishing a sick leave bank for Elise Sanchez-Oshea, an employee of the Trail Court (House, No. 4150,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Relative to the issuance of tax bills in the town of Hatfield (printed in House, No. 4198,-- being a message from His Excellency the Governor); and

Designating the month of March as Massachusetts maple month (House, No. 4246,-- on House, No. 3735);

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

Bills

Relative to the ownership and occupancy deadline for residential property

Price discrimination,--
- technologies.

Auto leases,--
consumer protection.

Student loan,-- bill of
rights.

Behavior analysts,--
licensing.

Event tickets,--
distribution.

Electricians,--
continuing education.

Sign language,--
interpreters.

Malt beverages,--
inventory
adjustments.

Rental car
agreements,-- tolls.

Minors,-- alcohol
overdose protection.

Tickets,-- consumer
protection.

Wireless carrier,--
contracts.

Appraisers,--
licensure.

Elise Sanchez-
Oshea,-- sick leave.

Hatfield,-- tax bills.

Maple month.

Boston,-- property

exemptions in the city of Boston (House, No. 4073,-- on petition) [Local approval received]; and

Relative to the town manager of the town of Upton (House, No. 4121,-- on petition) [Local approval received];

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

Resolutions.

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

Resolutions (filed by Messrs. Barrett and Tarr) “memorializing the United States Department of the Interior to limit the proposed expansion of the national outer continental shelf oil and gas leasing program and to protect the waters off the coasts of the Commonwealth and New England”; and

Resolutions (filed by Ms. Gobi and Mr. Fattman) “congratulating the United Way of Southbridge, Sturbridge and Charlton, Inc. on its eightieth anniversary.”

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill designating a certain bridge as the George Allaire Memorial Bridge (see House, No. 4157), 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.

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

The engrossed Bill relative to standards of employee safety (see Senate Bill printed as House, No. 3952, amended),-- came from the House with the endorsement that the House had amended the bill by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Section 6 of chapter 149 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out , in line 24, the words ‘authority hereof’ and inserting in place thereof the following words:— this section or section 6 ½.

SECTION 2. Said chapter 149 is hereby further amended by striking out section 6 ½, as so appearing, and inserting in place thereof the following section:—

Section 6 ½. (a) For the purposes of this section, the following words shall have the following meanings unless the context clearly requires otherwise:

‘Public employees’, individuals employed by a public employer.

‘Public employers’, places of employment subject to section 28 of chapter 7, any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth or of any political subdivision of the commonwealth, any quasi-public independent entity and any authority or body politic and corporate established by the general court to serve a public purpose.

Public employers shall provide public employees at least the level of protection provided under the federal Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et. seq., including standards and provisions of the general duty

exemptions.

Upton,-- town manager.

The United States Department of the Interior.

The United Way, Inc.

George Allaire Memorial Bridge.

Employee safety,-- standards.

clause contained in 29 U.S.C. 654.

The governor shall appoint an occupational health and safety hazard advisory board which shall consist of the following 19 members: the secretary of labor and workforce development or a designee, who shall serve as the co- chairperson; the personnel administrator or a designee, who shall serve as co- chairperson; the director of the division of labor standards or a designee; the secretary of administration and finance or a designee; the director of the office of employee relations or a designee; the commissioner of public health or a designee; the director of industrial accidents or a designee; 4 representatives from labor unions representing public employees; 1 representative from a community-based health and safety advocacy organization; the president of the Massachusetts Municipal Association, Inc. or a designee; the president of the Massachusetts Highway Association or a designee; the president of the Massachusetts Association of School Committees, Massachusetts Association of School Superintendents, Inc. or a designee; the president of the Massachusetts Water Works Association Inc. or a designee; the president of the Massachusetts Municipal Management Association or a designee; and 1 member of the faculty of the department of work environment at the University of Massachusetts at Lowell.

The advisory board shall evaluate injury and illness data, recommend training and implementation of safety and health measures, monitor the effectiveness of safety and health programs and determine where additional resources are needed to protect the safety and health of public employees.

The department shall promulgate regulations to enforce this section. The department shall consult with the advisory board established in subsection (c) prior to: (i) adopting or amending the regulations; or (ii) the submission of a state plan for occupational safety and health standards and their enforcement to the United States Secretary of Labor pursuant to 29 U.S.C. 667. The department may, after consulting with the advisory board, adopt specific regulations for individual quasi-public independent entities and authorities.

The attorney general may bring a civil action for declaratory or injunctive relief to enforce this section.

SECTION 3. This act shall take effect on February 1, 2019.”

There being no objection, the rules were suspended, on motion of Mr. Timilty, and, after remarks, the Senate concurred in the House amendment.

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 Festus Joyce.

Moment of silence.

Communication.

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

Senator Dean A.
Tran,-- absence from
Chamber.

Dear Clerk Welch:

I vote yes in absentia on the matter of S2297, An Act expanding the community college training incentive program, as voted on during a roll call vote

on February 14, 2018.

Best Wishes,
DEAN A. TRAN
State Senator

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

Ordered printed.

Reports of Committees.

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 for legislation to extend voting protection to early voting.

Early voting,--
protection.
SD2230

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 Election Laws.

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 and Leonard Mirra for legislation to authorize the Department of Fish and Game to acquire a conservation restriction on land of the town of Groveland.

Groveland,-- land.
SD2525

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 State Administration and Regulatory Oversight.

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 for legislation to rename a certain bridge over route 38 on interstate 495.

Tewksbury,-- bridge
naming.
SD2416

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 Transportation.

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, Steven Ultrino, Carmine L. Gentile, James T. Welch and other members of the General Court for legislation to ensure access to state IDs for low-income people.

State ID,-- fees.
SD2431

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 Transportation.

Severally sent to the House for concurrence.

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 amending the charter of the town of Bourne (House, No. 3918),-- **was read a third time and passed to be engrossed, in concurrence.**

Bourne charter.

The House Bill establishing a revolving fund in the town of Westborough (House, No. 3992) (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.**

Westborough,--
revolving fund.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill establishing the MassMade Program (Senate, No. 178),-- ought to pass.

MassMade program,-
- establishment.

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill establishing the MassMade Program (Senate, No. 178) (the committee on Ways and Means having recommended that the bill ought to pass) shall be placed in the Orders of the Day for a second reading on Thursday, March 1, 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 26, 2018. All such amendments shall be second reading-amendments to the Senate Bill establishing the MassMade Program (Senate, No. 178), 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. Timilty, and the order was considered forthwith and adopted.

The bill was placed in the Orders of the Day for Thursday, March 1, for a second reading.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to the University of Massachusetts' ability to insure buildings (Senate, No. 679),-- ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2308).

UMass,-- buildings.

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill relative to the University of Massachusetts' ability to insure buildings (Senate, No. 679) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2308) shall be placed in the Orders of the Day for a second reading on Thursday, March 1, 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 26, 2018. All such amendments shall be second reading-amendments to the Senate Ways and Means new draft (Senate, No. 2308), 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. Timilty, and the order was considered forthwith and adopted.

The bill was placed in the Orders of the Day for Thursday, March 1, for a second reading with the amendment pending.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill protecting public higher education student information (Senate, No. 704, changed),-- ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2309).

Public higher
education,-- records.

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill protecting public higher education student information (Senate, No. 704) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2309) shall be placed in the Orders of the Day for a second reading on Thursday, March 1, 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 26, 2018. All such amendments shall be second reading-amendments to the Senate Ways and Means new draft (Senate, No. 2309), 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. Timilty, and the order was considered forthwith and adopted.

The bill was placed in the Orders of the Day for Thursday, March 1, for a second reading with the amendment pending.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill regulating the closure of state police barracks (Senate, No. 1314),-- ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2310).

Brookfield,-- state
police barracks.

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill regulating the closure of state police barracks (Senate, No. 1314) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2310) shall be placed in the Orders of the Day for a second reading on Thursday, March 1, 2018.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, February 26, 2018. All such amendments shall be second reading-amendments to the Senate Ways and Means new draft (Senate, No. 2310), 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. Timilty, and the order was considered forthwith and adopted.

The bill was placed in the Orders of the Day for Thursday, March 1, for a second reading with the amendment pending.

Procedural order.

Recess.

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

Recess.

PAPERS FROM THE HOUSE.

The House Bill providing for capital facility repairs and improvements for the Commonwealth (House, No. 4045),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2300, and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Sanchez of Boston, Haddad of Somerset and Vieira of Falmouth had been appointed the committee on the part of the House.

On motion of Mr. Timilty, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Spilka, Keenan and Humason were appointed on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Capital Bond.

Engrossed Bill.

An engrossed Bill designating a certain bridge as the George Allaire Memorial Bridge (see House, No. 4157) (which originated in the House), **having**

Bill laid before the Governor.

been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Mr. Brownsberger) and laid before the Governor for his approbation.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered as follows:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Economic Development and Emerging Technologies be granted until Friday, April 13, 2018 within which time to make its final report on current Senate document numbered 2273.

Economic
Development and
Emerging
Technologies,--
extension order.

The rules were suspended, on motion of Mr. Timilty, the order (House, No. 4247) was considered forthwith; and, after remarks, was adopted, in concurrence.

Order Adopted.

On motion of Mr. Tarr,--

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.

Adjourn In Memory of Festus Joyce

The Senator from Norfolk, Bristol and Plymouth Mr. Timilty moves that when the Senate adjourns today it do so in memory of Festus Joyce.

Festus "Fess" Joyce of Milton passed away on January 27, 2018.

A proud veteran and lifelong member of the International Union of Bricklayers and Allied Craftworkers, Mr. Joyce received his Master's in Education from Fitchburg State University and served as a dedicated teacher at Blue Hills Regional Technical School. Mr. Joyce passionately believed in the educational mission of Blue Hills. He enriched the lives of all of his students, frequently attending school sporting events to cheer his students on in their extracurricular pursuits.

Following his retirement as a teacher, Mr. Joyce continued to serve the Blue Hills community as an active member of the School Committee. For Mr. Joyce, the Blue Hills community was truly a family, providing him the opportunity to work alongside committed colleagues as well as his daughter, Director of Admissions Marybeth Joyce.

Fiercely loyal, Mr. Joyce navigated through life with his wife of 60 years Rita at his side. Their deep connection was apparent to all who knew them. Family traditions included hosting friends and family down the Cape at their summer home and evening walks around Castle Island, with required pit-stops at Sully's.

Mr. Joyce was deeply proud of each of his children and their families: Dan Festus Joyce and his wife Janet Joyce of Duxbury; Marybeth Joyce of Milton; and Susan Galvin of Milton. He was the beloved "Pup" to five grandchildren and four great-grandchildren.

Mr. Joyce will be deeply missed by his family and the Blue Hills community. He will always be remembered for his firm handshake, his unconditional love, and his relentless optimism.

Accordingly, as a mark of respect in memory of Festus Joyce, at sixteen

UNCORRECTED PROOF.

minutes past one o'clock P.M., on motion of Mr. Timilty, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.
