

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, MARCH 5, 2018.

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Met at five minutes past eleven o'clock A.M. (Mr. Boncore in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Boys Scouts Flag bearers Kaiden Slowek from Troop 50 Yarmouthport, Liam Flynn from Troop 281 Ware, Patrick Dalton from Troop 17 Mansfield, Ashton Turgiss from Troop 4 Gardner, Lucas Kambampati from Pack 11 Dorchester and Jaeden Paulo from Pack 164 Palmer proceeded to the front of the Rostrum and along with scouts from across Massachusetts, led the Chair (Mr. Boncore), members, guests and staff in the recitation of the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guests.

There being no objection, the Chair (Mr. Boncore) then introduced, Representative David Vieira of Falmouth.

Representative David Vieira.

Reports.

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

Report of the Department of Mental Health (pursuant to Chapter 321 of the Acts of 2008) submitting its Children's Behavioral Health Knowledge Center 2017 annual report (received March 1, 2018);

DMH,-- CBH knowledge center report. SD2550

Report of the Department of Revenue (pursuant to Section 40(d) of Chapter 64C of the General Laws) submitting its Annual Report of the Multi-Agency Illegal Tobacco Task Force (received March 1, 2018);

DOR,-- Tobacco Task Force report. SD2551

Report of the Department of Transitional Assistance (under the provisions of Sections 2 and 5 of Chapter 18 and Section 3C of Chapter 118 of the General Laws) submitting its Transitional Aid to Families with Dependent Children Consolidated Report (received March 1, 2018); and

DTA,-- TAFDC consolidated report. SD2552

Report of the Massachusetts Capital Resource Company (pursuant to Section 20 of Chapter 816 of the Acts of 1977) submitting its forty-first report (received March 2, 2018).

MCRC,-- forty-first report. SD2554

Petition.

Ms. Jehlen presented a petition (accompanied by bill) (subject to Joint Rule 12) of Patricia D. Jehlen and Denise Provost for legislation to establish a sick leave bank for Allen W. Doe, an employee of the Division of Capital Asset Management and Maintenance,-- **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Allen W. Doe,-- sick leave. SD2549

Reports of Committees.

By Ms. Lovely, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill to promote choice for people with cognitive disabilities and their families (Senate, No. 26);

Cognitive disabilities,-- choice.

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

By Mr. Moore, for the committee on Public Safety and Homeland Security, on petition, a Resolve establishing a special commission on prisoner and correction officer suicides (Senate, No. 1303);

Correction officer suicides,-- commission.

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

By Ms. Lovely, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill improving outcomes for transition age youth (Senate, No. 25);

Youth,-- transition age.

By Mr. Moore, for the committee on Public Safety and Homeland Security, on petition, a Bill relative to police pursuits in the Commonwealth (Senate, No. 1310);

Police pursuits,-- vehicle.

By the same Senator, for the same committee, on petition, a Bill relative to the use of community corrections (Senate, No. 1327);

Community corrections,-- usage.

By the same Senator, for the same committee, on petition, a Bill to promote safety in the transportation of students (Senate, No. 1332);

Student transportation,-- safety.

By the same Senator, for the same committee, on petition, a Bill relative to non-resident firearm license fees (Senate, No. 1339);

Firearms,-- license fees.

By the same Senator, for the same committee, on petition, a Bill relative to elevator certificates (Senate, No. 1341);

Elevator,-- certificates.

By the same Senator, for the same committee, on petition, a Bill relative to sheriffs (Senate, No. 1343);

Sheriffs,-- administration.

By the same Senator, for the same committee, on petition, a Bill to include federal law enforcement officers as police officers (Senate, No. 1364);

Federal law officers,-- police officers.

By the same Senator, for the same committee, on petition, a Bill relative to uniform disciplinary procedures for correctional officers (Senate, No. 1366);

Correctional officers,-- uniform discipline.

By the same Senator, for the same committee, on petition, a Bill establishing the Massachusetts Law Enforcement Memorial Fund (Senate, No. 1369);

Law enforcement memorial fund.

By the same Senator, for the same committee, on petition, a Bill relative to police details (Senate, No. 1370);

Police,-- details.

By the same Senator, for the same committee, on petition, a Bill relative to the illegal occupation of a building (Senate, No. 1372);

Illegal occupation,-- buildings.

By the same Senator, for the same committee, on petition, a Bill relative to the issuance of uniform firefighter identification cards (Senate, No. 1375);

Firefighter identification cards,-- issuance.

By the same Senator, for the same committee, on petition, a Bill further defining a Hate Crime (Senate, No. 1377);

Hate crimes,-- define.

By the same Senator, for the same committee, on petition, a Bill relative to zero tolerance for violence and aggression by adults at youth sporting events (Senate, No. 1381); and

Youth sporting events,-- adult violence.

By the same Senator, for the same committee, on the message from His Excellency the Governor, a Bill establishing the Massachusetts Code of Military Justice (printed in Senate, No. 2236);

National Guard,-- code of military justice.

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

Committees Discharged.

Mr. Montigny, for the committees on Rules of the two branches, acting

Public Safety and Homeland Security

concurrently, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing the joint committee on Public Safety and Homeland Security to make an investigation and study of a certain current Senate documents relative to safety in the Commonwealth (Senate, No. 2292),-- and recommending that the same be referred to the committee on Rules;

committee,-- study.

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

PAPERS FROM THE HOUSE

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4257) of F. Jay Barrows and Paul R. Feeney (by vote of the town) relative to the charter school reimbursement rate for the town of Foxborough;

Foxborough,--
charter schools.

To the committee on Education.

Petition (accompanied by bill, House, No. 4264) of RoseLee Vincent and Joseph A. Boncore (with the approval of the mayor and city council) relative to the tenure of office of the City Clerk of the city of Revere;

Revere,-- city clerk.

To the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4258) of Carolyn C. Dykema and Karen E. Spilka (by vote of the town) that the town of Hopkinton be authorized to establish a means-tested senior citizen property tax exemption in said town;

Hopkinton,--
property tax.

To the committee on Revenue.

A Bill establishing a sick leave bank for Lauri Smith-Bopp, an employee of the Department of Revenue (House, No. 4154, on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Lauri Smith-Bopp,--
sick leave.

A Bill authorizing the treasurer of Plymouth County to transfer certain funds (House, No. 4034,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Plymouth County,--
transfer of funds.

Reports

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

Of the petition (accompanied by bill, House, No. 3543) of Byron Rushing, Mike Connolly and others for legislation to establish the Massachusetts infrastructure bank,-- and recommending that the same be referred to the committee on Financial Services;

Massachusetts
infrastructure bank.

Of the petition (accompanied by bill, Senate, No. 88) of Joan B. Lovely and Bruce E. Tarr for legislation relative to encouraging the growth of small businesses; and

Small business,--
growth.

Of the petition (accompanied by bill, House, No. 1970) of Gailanne M. Cariddi and others relative to certain business entities registered with the Secretary of the Commonwealth and in good standing; and

Id.

Of the committee on Consumer Protection and Professional Licensure, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 158) of Kenneth I. Gordon and others relative to social media consumer privacy protection;

Social media,--
privacy.

And recommending that the same severally be referred to the committee on Labor and Workforce Development;

Of the committee on Elder Affairs, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 340) of Jennifer L. Flanagan for legislation relative to the safe care of residents with active substance use disorder accessing skilled nursing facility care; and

Substance use disorder,-- care.

Of the petition (accompanied by bill, House, No. 2073) of Thomas A. Golden, Jr., Rady Mom and Josh S. Cutler relative to the care of residents with active substance use disorders accessing skilled nursing facility care;

Substance use disorder,-- nursing facilities.

And recommending that the same severally be referred to the committee on Mental Health, Substance Abuse and Recovery;

Of the petition (accompanied by bill, Senate, No. 338) of Kenneth J. Donnelly and Bed Williams for legislation relative to public funds,-- and recommending that the same be referred to the committee on Public Health;

Nursing home,-- admittance.

Of the committee on Telecommunications, Utilities and Energy, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1773) of William M. Straus relative to wireless transmissions to and from motor vehicles,-- and recommending that the same be referred to the committee on Transportation; and

Wireless transmissions,-- motor vehicles.

Of the committee on Transportation, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2748) of Harold P. Naughton, Jr., for legislation to expand the “move over law”, so-called, to include vehicles operated by civilians,-- and recommending that the same be referred to the committee on Public Safety and Homeland Security;

Move over law,-- expansion.

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

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

Representative Whipps of Athol to the 9th position, in each instance, on the joint committees on Elder Affairs; Municipalities and Regional Government; and Tourism, Arts and Cultural Development, to fill existing vacancies.

Joint committee,-- appointments.

Resolutions.

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

Resolutions (filed by Mr. Cyr) “congratulating Catherine D’Amato on her recognition from the Cape Cod Council of Churches”; and

Catherine D’Amato.

Resolutions (filed by Mr. Lewis) “commemorating the Girl Scouts of the town of Reading on celebrating its one hundredth anniversary.”

Reading Girl Scouts.

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 Senate Bill relative to the charter of the town of Sutton (Senate, No. 1131),-- was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Fattman presented an amendment by striking out, in line 162, the figure “4” and inserting in place thereof the following figure:- “3”;

By striking out, in lines 211 and 212, the words “50 per cent of the total number of persons who voted at the most recent annual town election” and

inserting in place thereof the following words:- “20 per cent of the qualified voters of the town as of the date that the affidavit was filed with the town clerk”; and

In proposed subsection (a) of section 3-7, by striking out the last sentence and inserting in place thereof the following sentence:- “Three members shall be elected by the voters, 1 member shall be a tenant of the housing authority appointed by the board of selectmen and 1 member shall be appointed by the department of housing and community development.”

The amendment was adopted.

The bill (Senate, No. 1131, amended) was then passed to be engrossed.

Sent to the House for concurrence.

Report of a Committee.

Mr. Montigny, for the committee on Rules, reported that the following matters be placed in the Orders of the Day for the next session:

The Senate Bill relative to solar drying of laundry (Senate, No. 1117).

There being no objection, the rules were suspended, on motion of Mr. Tran, and the bill was read a second time and ordered to a third reading.

Distinguished Guests.

There being no objection, the Chair (Mr. Boncore) handed the gavel to the Minority Leader, Mr. Tarr, for the purpose of an introduction. After remarks, Mr. Tarr introduced in the rear of the Chamber, Boys Scouts from around the Commonwealth. Mr. Tarr then invited to the Rostrum, Apprentice Seaman from Ship 40 in Falmouth Anthony Fusaro, Wolf from Pack 59 in South Yarmouth Kayleigh Slowek, Bear from Pack 314 in Attleboro Holly Girard, Eagle from Troop 4 in Hopkinton Michael Greystone, Life from Troop 3 in Westport Aidan Morley, Venturer and Area 1 Venture President from Crew 7 in Chelmsford Katelyn St. Louis and Webelos from Pack 11 in Dorchester Milan Kambampati.

Michael Greystone, a Boy Scout that earned all 137 merit badges that a Scout can earn, presented the President and Minority Leader with the 2017 Report on the State of Scouting in Massachusetts, as follows:

Program Highlights

- Cub Scouts (boys aged 6-10)
- Pilot program for Girls (6-10)
- Boy Scouts (boys aged 11-17)
- Learning For Life
- Explorers (boys and girls aged 11-17)
- Venturers' (boys and girls aged 14-20)
- Law Enforcement

Membership

- 527 Packs
- 526 troops & Teams
- 104 Crews & Ships
- 67 Posts & Clubs

Camper Nights

- Cub Scouts Camping (8,537)
- Boys Scouts Camping (10,033)
- Venturers Camping (284)

Achivements

Laundry,-- solar drying.

Eagle Scout Justin St. Louis and other scouts.

- 24,855 Rank Advancements
- 4,344 Citizenship Badges
- 4,414 STEM Badges
- 38,443 Merit Badges
- 1,122 New Eagles
- 5,867 Fitness Badges

Service to Community

- 216,449 Eagle Scout Service Hours
- 262,396 Scouts participated

The Senate welcomed them with applause and the scouts along with various troop leaders and parents seated in the Senate Gallery withdrew from the Chamber.

On motion of Mr. Tarr, the report was ordered printed in the Journal of the Senate.

Ordered printed.

Report of Committees.

By Mr. Montigny, for the committee on Rules of the two branches, acting concurrently, that the Senate Order relative to granting the committee on Transportation until March 15, 2018, within which time to make its final report on current Senate documents numbered 1938, 1945, 2002, and 2006, and House documents numbered 1822, 1829, 1897, 2742, 3417, and 3422 (Senate, No. 2323),-- ought to be adopted.

Transportation,--
extension order.

There being no objection, the rules were suspended, on motion of Mr. Pacheco, and, after remarks, was adopted.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill establishing regional commissions on the status of women (see House, No. 1110, amended), 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 4 to 0.

Status of women,--
commissions.

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

An engrossed Bill relative to reporting requirements for candidates for the office of mayor and city council in certain cities (see House Bill printed in House, No. 4046, amended), 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 4 to 0.

Mayor and city
council,-- reporting.

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

An engrossed Bill establishing a sick leave bank for Alyssa Nelson, an employee of the Massachusetts Office for Victim Assistance (see House, No.

Alyssa Nelson,-- sick
leave.

4239), 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 4 to 0.

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

An engrossed Bill designating the month of March as Massachusetts Maple Month (see House, No. 4246), 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 4 to 0.

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

March,-- MA Maple Month.

Remarks of Senator Marc R. Pacheco.

This year, we saw two hundred-year storms in a matter of two months. We had homes underwater and almost half a million people in Massachusetts without power. Roads were closed, and people were asked to evacuate. Nine people died – one right here in Massachusetts. Public safety officials tell us that the flooding is the worst that they have seen. If there's ever a time to get climate readiness and climate adaptation into statute, it's now.

Remarks of Senator Marc R. Pacheco.

In November, the Massachusetts State Senate passed legislation to create a climate adaptation management plan, and this is the fifth time we have done so. We should see the writing on the wall. If gone unchecked, severe weather will wreak immense havoc on Massachusetts. It's already happening. It continues to happen.

Our communities, our cities and towns, are facing serious financial risks. Homes are being destroyed, properties are being ravaged. Moody's Investor Services has already warned us that inaction will lead to costly credit downgrades. A report from Tufts University estimated that if the United States does not act to solve the global warming crisis, it will cost the economy \$3.8 trillion annually by 2100.

In 2017, 16 weather and climate disaster events resulted in losses exceeding \$306 billion across the United States. Overall, these events resulted in the deaths of 362 people and had significant economic effects on the areas impacted.

We have the ability to protect ourselves and our communities, but we need the political will in place to take action. Climate adaptation recommendations need to become requirements in state law.

Our bill directs key state agencies to develop a comprehensive adaptation management action plan. It also creates a climate adaptation grant program and creates a coastal buyback program. We – the Senate, the House and the Baker administration – need to get this done and put it into statute.

And if we truly want to be proactive and prevent the worst effects of global climate change in the future, then we, Mr. President, need to enact a comprehensive clean energy strategy immediately. What we are presently doing is just not enough. It may be more than many other states are doing, and we pat ourselves on the back for it, but it clearly is not enough.

The Global Warming and Climate Change Committee has submitted a bipartisan, unanimously voted-on, omnibus clean energy bill to the Senate Ways and Means Committee. We look forward to the committee's work on this bill, and hopefully we will see it before the Senate soon so that we can have the opportunity to take it up and send it over to the House. Let's get it done.

In conclusion, Mr. President, I want to thank the countless numbers of firefighters, police officers, emergency medical personnel, the men and women out there on the electrical poles bringing back power, all across the Commonwealth and across New England, doing so in a very, very dangerous time, during and at the end of these storms, when their lives are also placed in danger and harm's way because of live wires, because of things they can't see, below the water level, in areas that are flooded. And we haven't even come close to estimating the financial costs associated with these terrible days that we have just experienced. I saw my colleague, the minority leader, and the Governor, on a shoreline, actually out there and seeing what has happened along the coastline.

I want to thank the Baker administration publically for some of the work they have been doing relative to climate adaptation as a result of an agreement done back when we did the Energy Diversity Bill. Our minority leader and myself and many others were very involved in that. To the extent that there is work being done, it came as a result of dialogue around the Energy Diversity Bill.

But I wanted to come to the floor today to get this on the public record, under the rule we've set aside to do this periodically, and I think this is one of the first times that we've used it. And I plan on using this rule more and more and more on this issue. Because I mentioned \$306 billion, nationally – where does that money come from, Mr. President? I'll tell you where it comes from, it comes away from public education, it comes from public safety, it comes away from protecting our environment, it comes away from funding our roads and bridges. It comes away from everything that we care about in terms of the core services of running a government. That's where those moneys are coming from. So I urge us today to recommit ourselves to ensuring that we will get these things done. Because it is urgent that we do so.

Thank you, Mr. President.

On motion of Mr. Pacheco, under the provisions of Senate Rule 6, the above remarks were printed in the Journal of the Senate.

Reports of Committees.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Deirdre Dacey, an employee of the Parole Board (House, No. 4059, amended),-- ought to pass.

Deirdre Dacey,--
sick leave.

There being no objection, the rules were suspended, on motion of Mr. Tran, 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, Mark C. Montigny, David F. DeCoste, Joan B. Lovely and other members of the General Court for legislation to finance fishing and farming investment.

Fishing and farming,-
- finance.
SD2545

The rules were suspended, on motion of Mr. Tran, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Environment, Natural

Resources and Agriculture.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4285) of Bud Williams relative to the inspection of certain piping during home inspections and home energy audits,-- **was referred in concurrence, under suspension of Joint Rule 12, to the committee on Consumer Protection and Professional Licensure.**

Home inspections,--
pipes.

Engrossed Bill.

An engrossed Bill relative to reporting requirements for candidates for the office of mayor and city council in certain cities (see House Bill, printed in House, No. 4046, amended) (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, two-thirds of the members present having voted in the affirmative, and signed by the Acting President (Mr. Boncore) and laid before the Governor for his approbation.**

Bill laid before
Governor.

Engrossed Bills.

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

Establishing regional commissions on the status of women (see House, No. 1110, amended);

Bills laid before the
Governor.

Expanding the powers of the Baker Hill Road District in the town of Lanesborough to include economic development efforts (House, No. 3760);

Designating a certain bridge in the city of Chelsea as the John P. Bruttaniti Memorial Bridge (House, No. 4072);

Establishing a sick leave bank for Alyssa Nelson, an employee of the Massachusetts Office for Victim Assistance (House, No. 4239); and

Designating the month of March as Massachusetts Maple Month (House, No. 4246).

Order Adopted.

On motion of Mr. Tran,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o'clock A.M., in a full formal session with a calendar.

Time of meeting.

On motion of the same Senator, at twelve minutes before twelve o'clock noon, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.