

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, APRIL 2, 2018.

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

Pledge of allegiance.

Distinguished Guests.

There being no objection, the Chair (Ms. Chang-Diaz) handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced, in the rear of the Chamber, the Masconomet Regional High School Cheerleading Team. Among the group were Stephanie Arkins, Molly Brown, Ga Kim, Miranda Marks, Allison Rock, Jacquelyn Scalli, Sophia Ciccarelli, Jocelyn Dalton, Chloe Fabiano, Kathryn Giallombardo, Victoria Guarino, Ivy Keller, Gianna Mazzochia, Dannielle Tremblay, Jessica Bermudez, Nicole Bonacorso, Lydia Capillo, Micayla Cameron, Caroline Folsom, Margaret Low, Jessica Verruso, Sarah Mihalchik and Veronica Marks. The team was recognized for placing third in the 2017 Division 2 Massachusetts School Administrators Association Cheerleading State Championship, for placing 7th in the 2018 National Cheerleader Association Championship for the Medium Advanced Division in Dallas, Texas, and for being awarded the NCA "Go Be Great" Award for their philanthropic efforts throughout the season. They were also recognized for their participation and fundraising efforts for the Care Dimensions "Walk for Hospice" and the American Foundation for Suicide Prevention "Out of Darkness Walk". They were accompanied by Coaches Elizabeth Walsh, Tara Helms and Boxford Selectwoman Mary Anne Nay. The Senate applauded their accomplishments and they withdrew from the Chamber. They were also guests of Senator Lovely.

Masconomet
Regional High
School Cheerleaders.

Petition.

Mr. Lesser presented a petition (accompanied by bill) (subject to Joint Rule 12) of Eric P. Lesser for legislation to establish a sick leave bank for Melvin Maldonado, an employee of the Department of Mental Health;

Melvin Maldonado,--
sick leave.
SD2604

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

Reports of Committees.

By Ms. Chang-Diaz, for the committee on Education, on Senate, Nos. 212, 245, 263, 286 and 322, an Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to transportation and regional schools (Senate, No. 2383);

Education
committee,-- study.

By the same Senator, for the same committee, on Senate, Nos. 312, 315 and 327, an Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to safety (Senate, No. 2384); and

Id.

By the same Senator, for the same committee, on Senate, Nos. 216, 261, 283, 302, 316 and 328, an Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to curriculum (Senate, No. 2385);

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

By Ms. Lewis, for the committee on Public Health, on petition, a Bill to promote public health through the prevention and wellness trust fund (Senate, No. 643);

By the same Senator, for the same committee, on petition, a Bill relative to nurse licensure compact in Massachusetts (Senate, No. 1162);

By the same Senator, for the same committee, on petition, a Bill relative to early childhood cavities (Senate, No. 1164);

By the same Senator, for the same committee, on petition, a Bill relative to safe patient handling in certain health facilities (Senate, No. 1167);

By the same Senator, for the same committee, on petition, a Bill to protect sports medicine professionals (Senate, No. 1171);

By the same Senator, for the same committee, on petition, a Bill relative to enhancing sexual assault evidence kit collection (Senate, No. 1174);

By the same Senator, for the same committee, on petition, a Bill relative to facilitating the utilization of psychologists on the health care team (Senate, No. 1179);

By the same Senator, for the same committee, on petition, a Bill requiring pain assessment and management in healthcare facilities (Senate, No. 1183);

By the same Senator, for the same committee, on petition, a Bill modernizing emergency medical services oversight (Senate, No. 1192);

By the same Senator, for the same committee, on petition, a Bill relative to the practice of acupuncture (Senate, No. 1198);

By the same Senator, for the same committee, on petition, a Bill to reduce healthcare costs by promoting non-biased prescriber education (Senate, No. 1215);

By the same Senator, for the same committee, on petition, a Bill to establish a children's vision screening registry (Senate, No. 1219); and

By the same Senator, for the same committee, on petition, a Bill creating Autism teams in hospitals (Senate, No. 1221);

Severally 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 to re-establish the Brain Injury Commission (Senate, No. 1168);

By the same Senator, for the same committee, on petition, a Bill relative to children's camp safety (Senate, No. 1202); and

By the same Senator, for the same committee, on petition, a Bill to increase access to health care in underserved areas of Massachusetts (Senate, No. 1216);

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

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on petition (accompanied by bill, Senate, No. 489), a Bill protecting research animals (Senate, No. 2387);

Id.

Prevention and wellness trust fund.

Nursing,-- licensure compact.

Childhood cavities,-- MassHealth.

Health facilities,-- patient handling.

Sports medicine professionals.

Sexual assault,-- evidence.

Psychologists,-- nursing practices.

Healthcare facilities,-- pain management.

Emergency medical services,-- oversight.

Acupuncture,-- practice.

Prescriber education,-- promote.

Children,-- vision screening.

Autism,-- provider knowledge.

Brain injury,-- commission.

Recreational camps,-- safety standards.

Underserved areas,-- healthcare.

Research animals,-- protect.

By Mr. Brownsberger, for the committee on the Judiciary, on petition, a Bill to provide landowners title protection (Senate, No. 796);

By Mr. Lewis, for the committee on Public Health, on petition, a Bill relative to expanding access to healthy food choices in vending machines on state property (Senate, No. 1217); and

By the same Senator, for the same committee, on petition, a Bill to protect youth from the health risks of sugary drinks (Senate, No. 1220);

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

By Mr. Brownsberger, for the committee on the Judiciary, on petition, a Bill to clarify homestead estates (Senate, No. 795); and

By Mr. Lewis, for the committee on Public Health, on petition, a Bill further regulating the Commission on Falls Prevention (Senate, No. 1208);

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

Committees Discharged.

Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration

Of the Senate Order relative to authorizing the joint committee on Housing to make an investigation and study of a current Senate document relative to expiring use (Senate, No. 2333);

Of the Senate Resolve establishing a special commission on prisoner and correction officer suicides (Senate, No. 1303); and

Of the Senate Resolve providing for an investigation and study by a special commission relative to mattress recycling (Senate, No. 2174);

And recommending that the same severally be referred to the Senate committee on Rules.

Severally, under Senate Rule 36, the reports were considered forthwith and accepted.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4353) of Shawn Dooley and Richard J. Ross (by vote of the town) that the town of Plainville be authorized to grant additional 6 additional licenses for the sale of all alcoholic beverages to be drunk on the premises, 3 additional licenses for the sale of all alcoholic beverages not to be drunk on the premises and 5 additional licenses for the sale of wines and malt beverages not to be drunk on the premises,-- **was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.**

Resolutions.

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

Resolutions (filed by Messrs. Brady and Timilty) "congratulating Cole Branagan of the town of Easton on his elevation to the rank of Eagle Scout."

Reports of a Committee.

The following report was laid before the Senate, the time within which the said committee was required to report having expired:---

Landowners title protection.

Vending machines,-- healthy food.

Sugary drinks,-- marketing in schools.

Homestead and real estate,-- titles.

Falls prevention,-- commission.

Housing committee,-- study.

Correction officer suicides.

Mattress recycling.

Plainville,-- liquor license.

Cole Branagan.

Of the committee on Public Health, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 1175) of Cynthia S. Creem, Carmine L. Gentile, Frank A. Moran, John W. Scibak and other members of the General Court for legislation to protect children and families from harmful flame retardants.

Flame retardants.

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

On further motion of the same Senator, the bill was substituted for the report of the committee.

The bill (Senate, No. 1175) was read and, under Senate Rule 27, referred to the committee on Ways and Means.

The following report was laid before the Senate, the time within which the said committee was required to report having expired:---

Of the committee on Public Health, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 2137) of Mark C. Montigny, Jason M. Lewis, Angelo H. Poppulo, Jr., Danielle W. Gregoire and other members of the General Court for legislation to create designated stroke centers.

Stroke centers,--
designate.

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

After remarks, on further motion of the same Senator, the bill was substituted for the report of the committee.

The bill (Senate, No. 1895) was read and, under Senate Rule 26, referred to the committee on Rules.

PAPERS FROM THE HOUSE

Order.

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

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Environment, Natural Resources and Agriculture be granted until Friday, April 20, 2018 within which time to make its final report on current House document numbered 4266.

Environment, Natural
Resources and
Agriculture,--
extension order.

The rules were suspended, on motion of Mr. Tarr and after remarks, the order (House, No. 4328) was considered forthwith; and, was adopted, in concurrence.

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 4363) of James M. Cantwell and others for legislation to establish a commission (including members of the General Court) relative to behavioral health promotion and upstream prevention;

Behavioral health
promotion and
upstream prevention.

Under suspension of Joint Rule 12, to the committee on Mental Health, Substance Use and Recovery.

Petition (accompanied by bill, House, No. 4364) of Keiko M. Orrall, Michael J. Rodrigues and Carole A. Fiola for legislation to authorize the commissioner of Capital Asset Management and Maintenance to release certain land in the town of Berkley from the operation of an agricultural preservation restriction;

Berkley,--
agricultural
restriction.

Under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

The Senate Bill designating a certain bridge in the town of Needham as the James J. Delaney II, UMSC Veterans Memorial Bridge (Senate, No. 1985),-- came from the House passed to be engrossed, in concurrence *with an amendment* striking out, in line 1, the following “Project 60635” (as changed by the Senate committee on Bills in the Third Reading) and inserting in place thereof the following: “Bridge number N-04-027”.

Needham,-- James J. Delaney II, UMSC Veterans Memorial Bridge.

The rules were suspended, on motion of Mr. Tarr, and the House amendment was considered forthwith and adopted, in concurrence.

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 (Ms. Chang-Diaz) and laid before the Governor for his approbation, to wit:

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

Bills laid before the Governor.

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); and

Establishing the appointed office of treasurer-collector in the town of Ayer (House, No. 4079).

Order.

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

Ordered, that notwithstanding the provisions of Joint Rule 10, State Administration and Regulatory Oversight be granted until Wednesday, May 9, 2018 within which time to make its final report on current Senate documents numbered 2318 and 2319 and House documents numbered 4265 and 4268.

State Administration and Regulatory Oversight,-- extension order.

The rules were suspended, on motion of Mr. Timilty and after remarks, the order (House, No. 4326) was considered forthwith; and, was adopted, in concurrence.

Moment of Silence.

At the request of Mr. Tarr, the members, guests and staff stood in a moment of silence and reflection to the memory of Specialist Michael J. Grella, U.S. Army.

Moment of silence.

Order Adopted.

On motion of Mr. Tarr,--

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

Time of meeting.

Adjournment in Memory of Specialist Michael J. Grella, U.S. Army.

The Senator from Essex and Middlesex, Mr. Tarr, moves that when the Senate adjourns today, it adjourn in memory of Specialist Michael J. Grella, U.S. Army.

Mr. Tarr in the Chair, Michael J. Grella died on March 9, 2018, at the age of 21. The son of Joseph M. and Joanne A. (Verga) Grella, he was born December 24,

1996 in Brockton. Michael was a resident of Gloucester for most of his life. Before entering the military and moving to Ft. Eustis, Virginia, he was a graduate of Gloucester High School Class of 2016.

Michael enlisted in the United States Army after graduating high school and held the rank of Specialist. He shared his kindness and love of adventure with everyone he met. He was always happiest being outdoors and being busy. Whether it was fishing, snowboarding or wandering the woods of West Gloucester, Michael was always getting the most out of life. Growing up he loved Camp Spindrift, and spent every day of every summer there, either as a camper or later as a counselor. One year he represented the camp and ran and completed the 25k around the Cape road race (one of the youngest ever).

Most of all, Michael's dream was to join the Army. He set a goal and he achieved it. As soon as he completed high school, he left for Ft. Benning, Georgia to attend boot camp. As expected, when he completed his training, he said something you rarely hear "I love boot camp". Being outdoors and always being active was Michael's passion.

Michael has an infectious smile and a hug that made you feel totally loved. He left a positive impression on everyone who was fortunate enough to know him. Michael will always be missed by everyone he touched, and his kindness and warmth was felt by many over the years. His boundless energy and compassion was limitless even in a brief encounter in the aisles of Market Basket or while casting his line at his favorite fishing spots. He will live on in the joy he shared with so many and will never be forgotten.

In addition to his loving mother and father Michael is survived by his sister Jessica L. Grella of Gloucester. His grandparents Joseph and Mary Grella of Norwood and James and Rosalie Verga of Gloucester. He is also survived by his loving aunts and uncle David and Kay Ahearn and their son Christopher and his wife Molly of New York City, Marc Verga of Providence, Rhode Island, Richard and Tracy Grella of Foxboro, their daughter, Katrina of Manchester, New Hampshire and Michael Grella of South Yarmouthport.

He is also survived by many wonderful friends including Fran and Anthony Giacalone and their children Joe and Vincent of Gloucester, and Lilly Kuhns, Dylan Webb, and Callie O'Leary, as well as many great aunts, uncles and cousins.

Ms. Chang-Diaz in the Chair, accordingly, as a mark of respect to the memory of Michael J. Grella, at twenty-six minutes before noon, on motion of Mr. Tarr, the Senate adjourned to meet again on Wednesday next at eleven o'clock A.M.