

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, MARCH 15, 2018.

[27]

JOURNAL OF THE SENATE.

Thursday, March 15, 2018.

Met at a half 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.

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Ross for the purpose of an introduction. Mr. Ross then introduced, on the Rostrum, Caitlin O'Neil from Wrentham. Caitlin is a graduating senior at the University of Rhode Island with a degree in Communications and a minor in Public Relations and Journalism. She was being recognized for being crowned Ms. Rhode Island. The Senate applauded her accomplishments, she signed the guest book and she withdrew from the Chamber. She was accompanied by her parents, John and Judy.

Caitlin O'Neil.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Ms. Creem for the purpose of an introduction. Ms. Creem then introduced, in the rear of the Chamber, a group of high school students that were attending the Boston College Sixth Annual Eagle Model UN Conference. The conference brings together over 700 delegates from high schools around the country, as well as three international schools. Among the group was Boston College Junior, Christina LaRitz who is the Deputy Secretary General of Eagle M-U-N-C. The Senate welcomed them with applause and they withdrew from the Chamber.

Eagle Model UN Conference.

Communications.

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

Communication from the Hampden County Sheriff's Office relative to a plan of correction for the Western MA Women's Correctional Center (received March 9, 2018); and

Hampden Sheriff, plan of correction. SD2569

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

DPH, plan of corrections. SD2570

- Hampshire County Jail and House of Correction
Dukes County Jail and House of Correction
Bristol County Jail, Ash Street Facility (received March 12, 2018).

Reports.

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

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.. SD2573

- Hampden County Jail and House of Correction
NCCI Gardner
Massachusetts Treatment Center (received March 12, 2018);

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Report from the Executive Office of Public Safety and Security (pursuant to Section 6 of Chapter 124 of the General Laws) submitting the 2016 annual report of the Department of Correction (received March 14, 2018);

EOPPS,-- 2016 DOC report.
SD2574

Report of the Department of Elementary and Secondary Education (pursuant to Section 89(kk) of Chapter 71 of the General Laws) submitting its annual report on the make-up of the student enrollment of each charter school in the Commonwealth (received March 9 2018);

DESE,-- charter school data report.
SD2575

Report of the Department of Housing and Community Development (pursuant to Section 66(g) of Chapter 23A of the General Laws) submitting the Rural Policy Advisory Commission FY2017 annual report (copies having been forwarded as required to the Joint Committee on Economic Development and Emerging Technologies) (received March 7 2018); and

DHCD,-- rural policy advisory commission report.
SD2576

Report of the Massachusetts District Attorneys Association (pursuant to line item 0340-2100 of Chapter 47 of the Acts of 2017) submitting its FY2017 Disabled Persons Protection Commission case referrals to the district attorneys (received March 15 2018).

MDAA,-- DPPC case referrals report.
SD2577

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Eldridge, a petition (accompanied by bill) (subject to Joint Rule 12) of James B. Eldridge for legislation to ensure a free and open internet in the Commonwealth; and

Internet,-- access.
SD2571

By Mr. Tran, a petition (accompanied by bill) (subject to Joint Rule 12) of Dean A. Tran for legislation relative to the modernization of the George Stanton Highway;

George Stanton Highway,-- modernize.
SD2572

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

Reports of Committees.

By Mr. Moore, for the committee on Municipalities and Regional Government, on Senate, Nos. 80, 1121, 1136, 1138, 1140, 1141, 1142, 1143, 1148, 1150, 1151, 1154, 1156, 1158 and 1910, an Order relative to authorizing the joint committee on Municipalities and Regional Government to make an investigation and study of certain current Senate documents relative to municipalities matters (Senate, No. 2342);

Municipalities and Regional Government committee,-- study.

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

By Mr. Welch, for the committee on Health Care Financing, on petition, a Bill to promote health equity (Senate, No. 600) [Estimated cost: greater than \$100,000];

Health equity,-- promote.

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

By Mr. Moore, for the committee on Municipalities and Regional Government, on petition (accompanied by bill, Senate, No. 2267), a Bill relative to PEG access and cable related funds (Senate, No. 2341);

PEG access,-- cable funds.

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

PAPERS FROM THE HOUSE.

A Message from His Excellency the Governor recommending legislation enhancing opportunities for all (House, No. 4297),-- **was referred, in concurrence, to the committee on Economic Development and Emerging Technologies.**

Enhancing opportunities.

A petition (accompanied by bill, House, No. 4299) of Elizabeth A. Poirier (with the approval of the mayor and city council) for legislation to repeal a certain act increasing the expenditure limit on revolving funds in the city of Attleboro,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

Attleboro,-- revolving funds.

Recess.

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

Recess.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill designating a certain bridge in the town of Lee as the Lou Digrigoli Memorial Bridge (see House, No. 4156, changed and 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 13 to 0.

Lou Digrigoli Memorial Bridge.

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

Resolutions.

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

Resolutions (filed by Mr. Brady) "congratulating Daniel Botelho of the town of Hanover on his elevation to the rank of Eagle Scout";

Daniel Botelho.

Resolutions (filed by Ms. Lovely) "congratulating Jonathan Christopher Pellerin of the town of Danvers on his elevation to the rank of Eagle Scout"; and

Jonathan Christopher Pellerin.

Resolutions (filed by Mr. Rosenberg) "congratulating Doctor J. Lynn Griesemer on the occasion of her retirement."

Doctor J. Lynn Griesemer.

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 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.

Allen W. Doe,-- sick leave.
SD2549

The rules were suspended, on motion of Ms. Creem, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition

(accompanied by bill) was referred to the committee on Public Service.

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 Karen E. Spilka for legislation relative to gender identity on Massachusetts identification.

Identification,--
gender identity.
SD2310

The rules were suspended, on motion of Ms. Creem, 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.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Elise Sanchez-Oshea, an employee of the trial court (House, No. 4150),-- ought to pass.

Elis Sanchez-
O'Shea,--
sick leave

There being no objection, the rules were suspended, on motion of Mr. Keenan, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act establishing a sick leave bank for Elis Sanchez-O'Shea, an employee of the trial court of the commonwealth".

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to financial literacy in schools (Senate, No. 249),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2343).

Financial literacy,--
schools.

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 financial literacy in schools (Senate, No. 249) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2343) shall be placed in the Orders of the Day for a second reading on Thursday, March 22, 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, March 19, 2018. All such amendments shall be second-reading amendments to Senate, No. 2343, 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. Brownsberger, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, March 22, 2018, 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 relative to manufactured housing communities (Senate, No. 743),-- ought to pass,

Manufactured
housing,--

with an amendment substituting a new draft with the same title (Senate, No. 2344).

commission.

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 manufactured housing communities (Senate, No. 743) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2344) shall be placed in the Orders of the Day for a second reading on Thursday, March 22, 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, March 19, 2018. All such amendments shall be second-reading amendments to Senate, No. 2344, 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. Rosenberg, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, March 22, 2018, for a second reading with the amendment pending.

PAPERS FROM THE HOUSE.

The Senate Bill to protect access to confidential healthcare (Senate, No. 2296, amended),-- came from the House passed to be engrossed, in concurrence, *with an amendment* striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4256, amended.

Confidential healthcare.

The rules were suspended, on motion of Mr. Tran, and the House amendment was considered forthwith.

Ms. Spilka moved that the Senate concur with the House amendment *with a further amendment* inserting after section 3 the following section:-

“SECTION 3A. The guidance required under subsection (h) of section 27 of chapter 176O of the General Laws shall be issued or updated to meet the requirements of this act not later than 3 months after the effective date of this act.”

Pending the question of adoption of the further amendment, at fourteen minutes past two 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-one minutes past two o'clock P.M., the Senate reassembled, the President in the Chair.

Recess

PAPERS FROM THE HOUSE.

The Senate Bill to protect access to confidential healthcare (Senate, No. 2296, amended),-- was further considered, the main question being on concurring in the House amendment.

Confidential healthcare.

After remarks, the question on concurring in the House amendment with a further amendment was determined by a call of the yeas and nays, at twenty-two

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minutes past two o'clock P.M., on motion of Ms. Spilka, as follows, to wit (yeas 38 – nays 0) **[Yeas and Nays No. 329]:**

YEAS.

Boncore, Joseph A.	Keenan, John F.
Brady, Michael D.	Lesser, Eric P.
Brownsberger, William N.	Lewis, Jason M.
Chandler, Harriette L.	L'Italien, Barbara A.
Chang-Diaz, Sonia	Lovely, Joan B.
Creem, Cynthia Stone	Montigny, Mark C.
Crighton, Brendan P.	Moore, Michael O.
Cyr, Julian	O'Connor, Patrick M.
deMacedo, Viriato M.	O'Connor Ives, Kathleen
DiDomenico, Sal N.	Pacheco, Marc R.
Donoghue, Eileen M.	Rodrigues, Michael J.
Eldridge, James B.	Rosenberg, Stanley C.
Fattman, Ryan C.	Ross, Richard J.
Feeney, Paul R.	Rush, Michael F.
Friedman, Cindy F.	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Hinds, Adam G.	Timilty, Walter F.
Humason, Donald F., Jr.	Tran, Dean A.
Jehlen, Patricia D.	Welch, James T. – 38.

NAYS – 0.

ABSENT OR NOT VOTING.

Barrett, Michael J. – 1.

The yeas and nays having been completed at twenty-nine minutes past two o'clock P.M., the Senate concurred in the House amendment with a further amendment.

Sent to the House for concurrence in the further amendment.

A Bill designating a certain park in the city of Quincy as the Richard “Dick” Herbert Memorial Park (House, No. 4298,-- on House, No. 4082),-- was read.

Quincy,-- Richard
“Dick” Herbert Park.

There being no objection, the rules were suspended, on motion of Mr. Keenan, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

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 Telecommunications, Utilities and Energy be granted until Thursday, April 12, 2018 within which time to make its final report on current House documents numbered 1739, 1746, 1747, 1748, 1751, 2600, 2700, 2706, 2709, 2712, 3396, 3634 and 3742.

Telecommunications,
Utilities and Energy,-
- extension order.

The rules were suspended, on motion of Ms. Friedman and the order (House, No. 4295) was considered forthwith; and, after remarks, was adopted, in concurrence.

Orders of the Day.

The Orders of the Day were considered as follows:

The Senate Bill relative to the membership of the licensing commission and board of election commissioners of the city of Somerville (Senate, No. 2294),-- **was read a second time and ordered to a third reading.**

Second reading bill.

The Senate Bill relative to education collaboratives (Senate, No. 290),-- was read a second time and was amended, as previously recommended by the committee on Ways and Means, by substituting a new draft with the same title (Senate, No. 2330).

Education collaboratives.

The bill (Senate, No. 2330) was then 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 six minutes before three o'clock P.M., on motion of Ms. L'Italien, as follows, to wit (yeas 36 – nays 0) [**Yeas and Nays No. 330**]:

YEAS.

- | | |
|--------------------------|-------------------------|
| Boncore, Joseph A. | Keenan, John F. |
| Brady, Michael D. | Lesser, Eric P. |
| Brownsberger, William N. | Lewis, Jason M. |
| Chandler, Harriette L. | L'Italien, Barbara A. |
| Chang-Diaz, Sonia | Lovely, Joan B. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Crighton, Brendan P. | Moore, Michael O. |
| Cyr, Julian | O'Connor, Patrick M. |
| deMacedo, Viriato M. | O'Connor Ives, Kathleen |
| DiDomenico, Sal N. | Pacheco, Marc R. |
| Eldridge, James B. | Rodrigues, Michael J. |
| Fattman, Ryan C. | Ross, Richard J. |
| Feeney, Paul R. | Rush, Michael F. |
| Friedman, Cindy F. | Spilka, Karen E. |
| Gobi, Anne M. | Tarr, Bruce E. |
| Hinds, Adam G. | Timilty, Walter F. |
| Humason, Donald F., Jr. | Tran, Dean A. |
| Jehlen, Patricia D. | Welch, James T. – 36. |

NAYS – 0.

ABSENT OR NOT VOTING.

- | | |
|---------------------|----------------------------|
| Barrett, Michael J. | Rosenberg, Stanley C. – 3. |
| Donoghue, Eileen M. | |

The yeas and nays having been completed at three minutes before three o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill relative to protecting puppies and kittens (Senate, No. 1155),-- was read a second time.

Puppies and kittens.

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. 2331), and pending the main question on ordering the bill to a third

2

reading, Mr. Tarr moved that the proposed new draft be amended in line 237 by striking “shall hold at least a public hearing” and inserting in place thereof the following:- “shall hold at least 2 public hearings in geographically different regions”.

After remarks, the amendment was adopted.

Subsequently, Messrs. O'Connor, Feeney, Lewis, Keenan, Tarr, Ross and Fattman moved that the proposed new draft be amended in section 4, by inserting after the word “socialization”, in line 232, the following: “path to retirement, litter sizes, exposure to sunlight, time outside the cage”; and

By striking out, in line 235, the words “consider the recommended standards of the American Veterinary Medical Association” and inserting in place thereof the following: “consider standards of the Canine Care Certified program administered by the non-profit Center for Canine Welfare and of the American Veterinary Medical Association”.

After remarks, the question on adoption of amendment was determined by a call of the yeas and nays at nine minutes past four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 36 – nays 0) [**Yeas and Nays No. 332**]:

YEAS.

Boncore, Joseph A.	Keenan, John F.
Brady, Michael D.	Lesser, Eric P.
Brownsberger, William N.	Lewis, Jason M.
Chandler, Harriette L.	L'Italien, Barbara A.
Chang-Diaz, Sonia	Lovely, Joan B.
Creem, Cynthia Stone	Montigny, Mark C.
Crighton, Brendan P.	Moore, Michael O.
Cyr, Julian	O'Connor, Patrick M.
deMacedo, Viriato M.	O'Connor Ives, Kathleen
DiDomenico, Sal N.	Pacheco, Marc R.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Ross, Richard J.
Feeney, Paul R.	Rush, Michael F.
Friedman, Cindy F.	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Hinds, Adam G.	Timilty, Walter F.
Humason, Donald F., Jr.	Tran, Dean A.
Jehlen, Patricia D.	Welch, James T. – 36.

NAYS – 0.

ABSENT OR NOT VOTING.

Barrett, Michael J.	Rosenberg, Stanley C. – 3.
Donoghue, Eileen M.	

The yeas and nays having been completed at thirteen minutes past four o'clock P.M., the amendment was adopted.

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

The bill (Senate, No. 2331, amended) was then 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 a quarter past four o'clock P.M., on motion of Ms. Spilka, as follows, to wit (yeas 36 – nays 0) [**Yeas and Nays No. 333**]:

YEAS.

Boncore, Joseph A.	Keenan, John F.
Brady, Michael D.	Lesser, Eric P.
Brownsberger, William N.	Lewis, Jason M.
Chandler, Harriette L.	L'Italien, Barbara A.
Chang-Diaz, Sonia	Lovely, Joan B.
Creem, Cynthia Stone	Montigny, Mark C.
Crighton, Brendan P.	Moore, Michael O.
Cyr, Julian	O'Connor, Patrick M.
deMacedo, Viriato M.	O'Connor Ives, Kathleen
DiDomenico, Sal N.	Pacheco, Marc R.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Ross, Richard J.
Feeney, Paul R.	Rush, Michael F.
Friedman, Cindy F.	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Hinds, Adam G.	Timilty, Walter F.
Humason, Donald F., Jr.	Tran, Dean A.
Jehlen, Patricia D.	Welch, James T. – 36.

NAYS – 0.

ABSENT OR NOT VOTING.

Barrett, Michael J.	Rosenberg, Stanley C. – 3.
Donoghue, Eileen M.	

The yeas and nays having been completed at seventeen minutes past 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 matters were considered as follows:

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Linda Thernize-Williams, an employee of the Department of Transitional Assistance (see Senate, No. 2251, 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 5 to 0.

Linda Thernize-Williams,-- sick leave.

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

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 President and laid before the Governor for his approbation, to wit:

Authorizing the town of Leyden to continue the employment of police chief Daniel J. Galvis (see House, No. 3449, amended);

Authorizing the Deerfield Area Fire Protection District to continue the

Bills laid before the Governor.

employment of Fire Chief Chester Yazwinski (House, No. 3957, amended);

Relative to the funding of the other post-employment benefits liability trust fund in the town of Northbridge (House, No. 4084); and

Designating a certain bridge in the town of Lee as the Lou Digrigoli Memorial Bridge (House, No. 4156, changed and amended).

Orders of the Day.

The Orders of the Day were further considered as follows:

There being no objection, the following matter was considered out of order:

The Senate Bill relative to social media privacy protection (Senate, No. 991),-
- was considered, the main question being on ordering the bill to a third reading.

Social media privacy.

After remarks and 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. 2320), and pending the main question on ordering the bill to a third reading, Mr. Moore, Ms. Gobi, Mr. O'Connor, Ms. O'Connor Ives and Messrs. Fattman, Humason and deMacedo moved that the proposed new draft be amended in section 5, in proposed section 192 of chapter 149 of the General Laws, by striking out subsection (a) and inserting in place thereof the following subsection:-

1

“(a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

‘Law enforcement agency’, the department of state police, a police department of a political subdivision of the commonwealth, the environmental police, the police department of the Massachusetts Bay Transportation Authority, a sheriff’s office, a college or university campus police department, the department of correction, the parole board, the probation service in the office of probation and any other law enforcement entity, except a federal law enforcement agency, that enforces the laws of the commonwealth and possesses criminal arrest power.

‘Personal social media account’, a social media account, service or profile that is used by a current or prospective employee exclusively for personal communications unrelated to any business purposes of the employer; provided, however, that “personal social media account” shall not include a social media account created, maintained, used or accessed by a current or prospective employee for business-related communications or for another business related purpose.

‘Social media’, an electronic medium that allows users to create, share and view user-generated content including, but not limited to, uploading or downloading videos or still photographs, blogs, video blogs, podcasts, messages, emails and internet website profiles or locations.

‘Sworn employee’, an employee of a law enforcement agency who takes an oath to enforce the laws of the commonwealth and possesses criminal arrest power.”;

In said section 5, in said proposed section 192 of said chapter 149, by adding the following 2 subsections:-

“(h) The head of a law enforcement agency or a designee, pursuant to an active and ongoing internal administrative investigation into whether a sworn employee or group of sworn employees has engaged in unlawful discrimination or harassment of a person or class of persons under section 4 of chapter 151B and acting upon a credible complaint lodged against such sworn employee or group of sworn employees that the personal social media account of the sworn employee or sworn employees contains specific information relevant to the investigation, may

require or request a sworn employee of a law enforcement agency to reproduce or disclose photographs, videos or other information contained within a personal social media account. The head or designee may take or threaten an adverse employment action against a sworn employee for refusing to disclose such information, photographs or videos upon request.

(i) If, during a standard departmental background investigation for the prospective employment of a candidate for employment as a sworn employee, the head of a law enforcement agency or a designee receives specific relevant information that the candidate has engaged in unlawful discrimination or harassment of a person under section 4 of chapter 151B, the head or designee may require or request the candidate to reproduce or disclose photographs, videos or other information contained within a personal social media account. The head or designee may take or threaten an adverse employment action against a candidate for employment as a sworn employee for refusing to disclose such information, photographs or videos upon request.”; and

By adding the following section:-

“SECTION 6. Notwithstanding any general or special law to the contrary, nothing in subsection (h) or (i) of section 192 of chapter 149 of the General Laws shall impact the rights to collectively bargain.”

The amendment was adopted.

Mr. Tarr moved that the proposed new draft be amended in section 1, by inserting after the word “directives”, in line 50, the following words:- “or due to the reasonable belief of the presence of an immediate danger of death or serious bodily injury to any person”;

2

In section 2, by inserting after the word “directives”, in line 118, the following words:- “or due to the reasonable belief of the presence of an immediate danger of death or serious bodily injury to any person”;

In section 3, by inserting after the word “directives”, in line 184, the following words:- “or due to the reasonable belief of the presence of an immediate danger of death or serious bodily injury to any person”;

In section 5, by inserting after the figure “78c(a)(26)”, in line 248, the following words:- “or due to the reasonable belief of the presence of an immediate danger of death or serious bodily injury to any person”.

After remarks, the amendment was adopted.

Ms. Spilka moved that the proposed new draft be amended by inserting after the word “student’s”, in lines 48, 50, 51, 52, 57, 59, 61, 62, 67, 116, 118, 119, 121, 125, 127, 129, 131, 135, 182, 184, 185, 186, 191, 193, 195, 196 and 201, the following words:- “or prospective student’s”;

3

By inserting after the word “student”, in lines 51, 52, 53, 54, 63, 65, 119, 120, 121, 122, 132, 133, 185, 186, 187, 188, 197 and 198, the following words:- “or prospective student”;

In section 1, in proposed section 45 of chapter 15A of the General Laws, by adding the following subsection:-

“(h) No public employer shall be liable for injury, loss of property, personal injury or death, except to the extent allowed in subsection (d), caused by an act or omission of a public employee while acting in the scope of the public employee’s employment and arising out of the implementation of this section. This section shall not be construed as creating or imposing a specific duty of care.”;

In section 2, in proposed section 98 of chapter 71 of the General Laws, by adding the following subsection:-

“(h) No public employer shall be liable for injury, loss of property, personal

injury or death, except to the extent allowed in subsection (d), caused by an act or omission of a public employee while acting in the scope of the public employee's employment and arising out of the implementation of this section. This section shall not be construed as creating or imposing a specific duty of care.”; and

In section 3, in proposed section 48 of chapter 75 of the General Laws, by adding the following subsection:-

“(h) No public employer shall be liable for injury, loss of property, personal injury or death, except to the extent allowed in subsection (d), caused by an act or omission of a public employee while acting in the scope of the public employee's employment and arising out of the implementation of this section. This section shall not be construed as creating or imposing a specific duty of care.”;

In section 5, by striking out, in line 243, the word “employee” and inserting in place thereof the following words:- “employee's or prospective employee's”;

In said section 5, by inserting after the word “employee's”, in lines 245, 251, 253, 254 and 257 the following words:- “or prospective employee's”; and

In said section 5, by inserting after the word “employee”, in lines 250 and 259, the following words:- “or prospective employee”.

The amendment was adopted.

Mr. Brownsberger moved that the proposed new draft be amended in section 1 by adding the following new subsection at the end thereof:-

“(h) Except as proof of a violation of this Act, no data obtained, accessed, used, copied, disclosed, or retained in violation of this Act, nor any evidence derived therefrom, shall be admissible in any criminal, civil, administrative, or other proceeding.”;

In section 2, by adding the following new subsection at the end thereof:-

“(h) Except as proof of a violation of this Act, no data obtained, accessed, used, copied, disclosed, or retained in violation of this Act, nor any evidence derived therefrom, shall be admissible in any criminal, civil, administrative, or other proceeding.”;

In section 3, by adding the following new subsection at the end thereof:-

“(h) Except as proof of a violation of this Act, no data obtained, accessed, used, copied, disclosed, or retained in violation of this Act, nor any evidence derived therefrom, shall be admissible in any criminal, civil, administrative, or other proceeding.”; and

In section 5, by adding the following new subsection at the end thereof:-

“(h) Except as proof of a violation of this Act, no data obtained, accessed, used, copied, disclosed, or retained in violation of this Act, nor any evidence derived therefrom, shall be admissible in any criminal, civil, administrative, or other proceeding.”

The amendment was adopted.

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

The bill (Senate, No. 2320, amended) was then 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 one minute past four o'clock P.M., on motion of Ms. Creem, as follows, to wit (yeas 36 – nays 0) [**Yeas and Nays No. 331**]:

YEAS.

Boncore, Joseph A.
Brady, Michael D.

Keenan, John F.
Lesser, Eric P.

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Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.

Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
O'Connor Ives, Kathleen
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – **36.**

NAYS – 0.

ABSENT OR NOT VOTING.

Barrett, Michael J.
Donoghue, Eileen M.

Rosenberg, Stanley C. – **3.**

The yeas and nays having been completed at five minutes past four o'clock P.M., the bill was passed to be engrossed [For text of Senate Bill printed as amended, see Senate, No. 2346].

Sent to the House for concurrence.

Recess.

There being no objection, at eighteen minutes past four o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty-five minutes past five o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

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

PAPER FROM THE HOUSE

Engrossed Bill — Land Taking for Conservation Etc.

An engrossed Bill relative to veterans' housing in the city known as the town of Agawam (see House Bill printed as Senate, No. 2014, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-five minutes past five o'clock P.M., as follows, to wit (yeas 36 - nays 0) [**Yeas and Nays No. 334**]:

Agawam,--
Veterans' housing.

YEAS.

Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.

Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.

UNCORRECTED PROOF.

Chandler, Harriette L.
Chang-Diaz, Sonia
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.

L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
O'Connor Ives, Kathleen
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – **36.**

NAYS – 0.

ABSENT OR NOT VOTING.

Barrett, Michael J.
Donoghue, Eileen M.

Rosenberg, Stanley C. – **3.**

The yeas and nays having been completed at twenty-eight minutes past five o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Orders of the Day.

The Orders of the Day were further considered as follows:

The Senate Bill to protect animal welfare and safety in cities and towns (Senate, No. 1159),-- was read a second time.

PAWS Act.

Pending the question on adoption of the amendment, previously recommended by the committee on Rules, substituting a new draft with the same title (Senate, No. 2332), and pending the main question on ordering the bill to a third reading, Ms. Gobi and Mr. Humason move that the proposed new draft be amended in section 13, by inserting after the word "who", in line 91, the following words:- "intentionally or knowingly".

1

The amendment was adopted.

Ms. Jehlen moves to amend the bill striking out section 7.

3

After debate, the question on adoption of amendment was determined by a call of the yeas and nays at two minutes past six o'clock P.M., on motion of Ms. Jehlen, as follows, to wit (yeas 19 – nays 17) **[Yeas and Nays No. 335]:**

YEAS.

Boncore, Joseph A.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
Eldridge, James B.

Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
O'Connor Ives, Kathleen
Spilka, Karen E. – **19.**

Friedman, Cindy F.

NAYS.

Brady, Michael D.
deMacedo, Viriato M.
Fattman, Ryan C.
Feeney, Paul R.
Gobi, Anne M.
Humason, Donald F., Jr.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.

Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 17.

ABSENT OR NOT VOTING.

Barrett, Michael J.
Donoghue, Eileen M.

Rosenberg, Stanley C. – 3.

The yeas and nays having been completed at five minutes past six o'clock P.M., the amendment was adopted.

Mr. Montigny moved that the proposed new draft be amended by inserting after section 14 the following section:-

“SECTION __. Said section 136A of said chapter 140, as so appearing, is hereby further amended by inserting after the word ‘use’, in line 79, the following words:- or a residential property where at least 1 sexually intact female dog is kept for the breeding and whelping of dogs.”

The amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by striking in line 29 the word "shall" and inserting in place thereof the following:- “may”.

Subsequently, Mr. Fattman moved that the pending amendment (Tarr) be amended by striking the underlying amendment in its entirety and inserting in place thereof the following:-

By inserting at the end thereof the following section:-

"SECTION X. Section 80H of chapter 272 of the General Laws, as so appearing, is hereby amended by striking out the words ‘fifty dollars’ and inserting in place thereof the following:- ‘\$100 for a first offense or not more 10 days in a house of corrections and on a second and subsequent offense a fine of \$500 plus medical expenses or imprisonment in a house of correction for not more than 6 months or both’.”

After remarks, the question on adoption of further amendment (Fattman) was determined by a call of the yeas and nays at sixteen minutes before seven o'clock P.M., on motion of Mr. Fattman, as follows, to wit (yeas 35 – nays 1) [**Yeas and Nays No. 336**]:

YEAS.

Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.

Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
O'Connor Ives, Kathleen
Pacheco, Marc R.

UNCORRECTED PROOF.

DiDomenico, Sal N.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.
Keenan, John F.

Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – **35.**

NAYS.

Eldridge, James B. – **1.**

ABSENT OR NOT VOTING.

Barrett, Michael J.
Donoghue, Eileen M.

Rosenberg, Stanley C. – **3.**

The yeas and nays having been completed at thirteen minutes before seven o'clock P.M., the further amendment was adopted.

Mr. Montigny moved that the proposed new draft be amended by striking, in line 140, the word "not"; and by striking, in line 237, the word "depicts" and inserting in place thereof the word "depictions".

After remarks, the amendment was adopted.

The Rules amendment, as amended, was then adopted.

The bill (Senate, No. 2332, amended) was then 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 seven o'clock P.M., on motion of Mr. Montigny, as follows, to wit (yeas 36 – nays 0) [**Yeas and Nays No. 337**]:

YEAS.

Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.

Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
O'Connor Ives, Kathleen
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – **36.**

NAYS – 0.

ABSENT OR NOT VOTING.

Barrett, Michael J.

Rosenberg, Stanley C. – **3.**

Donoghue, Eileen M.

The yeas and nays having been completed at four minutes before seven o'clock P.M., the bill was passed to be engrossed [For text of Senate Bill printed as amended, see Senate, No. 2347].

Sent to the House for concurrence.

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

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 Telecommunications, Utilities and Energy until April 12, 2018, within which time to make its final report on current Senate documents numbered 1831, 1841, and 1876 (Senate, No. 2340),-- ought to be adopted.

Telecommunications, Utilities and Energy,- extension order.

There being no objection, the rules were suspended, on motion of Mr. Crighton, and the order was considered forthwith and adopted.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Linda Thernize-Williams, an employee of the Department of Transitional Assistance (see Senate, No. 2251, amended) (which originated in the Senate), **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.

Emergency Preamble Adopted.

An engrossed Bill designating a certain park in the city of Quincy as the Richard "Dick" Herbert Memorial Park (see House, No. 4298), 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 6 to 0.

Quincy,-- Richard "Dick" Herbert Memorial Park.

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

Adjourn In Memory of Chief Stephen P. Frye

The Senator from the Hampden and Hampshire, Mr. Humason, moved that when the Senate adjourns today, it adjourn in memory of Chief Stephen P. Frye of Montgomery.

Mr. Humason in the Chair, Montgomery Fire Chief Stephen P. Frye passed away in the line of duty on December 5, 2017.

Steve built a beautiful life in Montgomery and was happiest when he was surrounded by his loving family. He loved his country and his community and

spent many years caring for others at all hours as fire chief in Montgomery. If anyone needed help, Steve was always there.

Steve served the town of Montgomery for more than two decades, first as a volunteer firefighter and then serving 13 years as the department's chief.

In addition to his 13 years of service as chief, Steve also worked for many years on the Blandford Ski Area ski patrol.

Chief Frye also inspired countless young people in his community through his work with a local Explorers organization that provided young people with fire and emergency medical service experience.

He will be remembered by all for his unforgettable humor, his kindness, and his devotion to protecting his neighbors.

He was an adoring husband, amazing father, wonderful brother, gifted grill master, and true friend to many. He was a hero in every sense of the word and he passed doing what he cared so deeply about.

Steve leaves behind his proud family; his wife and best friend, Laurie (Taupier), daughter Karlyn and her husband Brendan Patenaude, his son, Matthew and his partner Kelsey Provost, who Steve thought of as a daughter, all of Montgomery. Steve leaves his mother, Marilyn Frye, his sister, Laurel and her husband, Steve Placzek of Westfield. Also, his mother-in-law, Miriam Taupier, his sister-in-law Sharon and her husband David Hamel of Agawam, his brother-in-law Jim and his wife Nancy Taupier of Agawam, and many nieces and nephews, each of which he had special relationships with. He was predeceased by his father Albert Frye of Chicopee and father-in-law James Taupier of Agawam. Steve also leaves behind an enormous number of close friends, especially Richard Deska of Chicopee and Peter Maziarz of Longmeadow.

Moment of Silence.

The President in the Chair, at the request of the President, the members, guests and staff stood in a moment of silence and reflection to the memory of Montgomery Fire Chief Stephen P. Frye.

Moment of silence.

Recess.

There being no objection, at twenty-eight minutes past six o'clock P.M., the President declared a recess subject to the call of the Chair; and, at eighteen minutes before seven o'clock P.M., the Senate reassembled, Mr. Pacheco in the Chair.

Recess.

Order Adopted.

On motion of Mr. Moore,--

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.

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 Chuck Campion.

Moment of silence.

Adjourn In Memory of Chuck Campion

The Senator from Middlesex and Norfolk, Ms. Creem, moves that when the senate adjourns today, it adjourn in memory of Chuck Campion of Brookline.

Ms. Creem in the Chair, in Massachusetts, we feel ownership over public service and politics—and indeed, often, it seems as if politics itself was born here.

For the past 40+ years, at the center of Massachusetts’ political universe – and thus of politics itself - was Chuck Campion.

Chuck was a brilliant strategist; an astute observer of the political world; a sharp campaign veteran; and a warm, kind friend for those in need.

Chuck Campion, one of Massachusetts’ greatest political and public affairs minds, passed away on March 7th at the age of 62 after decades of simultaneously fighting health issues and advising multiple Democratic presidential, state, and local campaigns.

Chuck was that singular combination of wit, high intelligence, and bluntness that those running for the highest offices – and those attempting to pass critical legislation – often seek but rarely find.

Congressman Joe Kennedy told a story earlier this month to the Washington Post: During his initial campaign in 2012, his phone rang.

It was Chuck Campion, who was not working for the Congressman, but wanted to offer some quick advice.

Don’t drink so much coffee, Campion told Kennedy – it will make you look tired to voters.

“From my perspective,” said Kennedy, “he was one of those godfather-type figures in Massachusetts politics.”

Those stories are everywhere in Massachusetts, and in this chamber. To those he mentored in this room; to those he helped along the way; to those whose lives he changed in the name of the greater good, he will be missed.

Charles Michael Campion was born in Boston on Aug. 20, 1955. He graduated from the University of Massachusetts in 1977.

Survivors include his wife of 33 years, Heather Pars Campion of Brookline, Mass.; two children, Maxwell Campion of Boston and Courtney Campion of Atlanta; his mother, Mary Richard of Falmouth; four sisters; and one brother.

The President in the Chair, accordingly, as a mark of respect in memory of Chuck Campion and Fire Chief Stephen P. Frye, at three minutes before seven o’clock P.M., on motion of Ms. O’Connor-Ives, the Senate adjourned to meet again on Monday next at eleven o’clock A.M.