

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, APRIL 9, 2018.

[35]

JOURNAL OF THE SENATE.

Monday, April 9, 2018.

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

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

Pledge of allegiance.

Reports.

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

Report of the Special Commission on Behavioral Health Promotion and Upstream Prevention (pursuant to Section 193 of Chapter 133 of the Acts of 2016) submitting its findings and recommendations (received April 5, 2018); and

Special
Commission,--
SD2617

Report of Massachusetts Legislative Task Force on the Safe Keeping of Distressed Person's Firearms (pursuant to Section 100 of Chapter 284 of the Acts of 2014) submitting its final report on suitable and feasible options for the safekeeping of a distressed person's firearms (copies having been forwarded as required to the chairs of the Joint Committee on Public Safety and Homeland Security and the chairs of the Joint Committee Mental Health, Substance Use and Recovery (received April 6, 2018).

EOPSS, -- task force
SDPF final report.
SD2618

Petition.

Mr. Cyr presented a petition (accompanied by bill) (subject to Joint Rule 12) of Julian Cyr for legislation relative to elder protection;

Elders,-- protection.
SD2616

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

Reports of Committees.

By Mr. Boncore, for the committee on Housing, on Senate, Nos. 718, 719, 733, 734, 740 and 751, an Order relative to authorizing the joint committee on Housing to make an investigation and study of certain current Senate documents relative to housing issues (Senate, No. 2401) [Representative Diehl of Whitman dissenting];

Housing committee,-
study.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 726), an Order relative to authorizing the joint committee on Housing to make an investigation and study of certain current Senate documents relative to bed bugs (Senate, No. 2402);

Id.

By the same Senator, for the same committee, on Senate, Nos. 727, 728, 731, 736, 737, 738, 739, 741, 742, 744, 745, 748, 749, 752 and 753, an Order relative to authorizing the joint committee on Housing to make an investigation and study of certain current Senate documents relative to 40B (Senate, No. 2404) [Representatives DeCoste of Norwell and Diehl of Whitman dissenting];

Id.

By the same Senator, for the same committee, on Senate, Nos. 720, 732, 735, 746 and 747, an Order relative to authorizing the joint committee on Housing to make an investigation and study of certain current Senate documents relative to public housing (Senate, No. 2405) [Representative DeCoste of Norwell dissenting]; and

Id.

By the same Senator, for the same committee, on Senate, Nos. 721 and 750, an Order relative to authorizing the joint committee on Housing to make an investigation and study of certain current Senate documents relative to production and manufactured housing (Senate, No. 2406) [Senator O'Connor dissents inasmuch as relates to Senate, No. 750; Representative Diehl of Whitman dissenting];

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

By Ms. L'Italien, for the committee on Consumer Protection and Professional Licensure, on Senate, Nos. 106 and 137, a Bill providing for provisional licensure for speech-language pathologists (Senate, No. 137);

By Mr. Eldridge, for the committee on Financial Services, on petition, a Bill providing health insurance coverage for scalp and facial hair prosthesis (Senate, No. 553); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 582), a Bill to limit retroactive denials of health insurance claims for mental health and substance abuse services (Senate, No. 2403);

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

By Mr. Eldridge, for the committee on Financial Services, on petition (accompanied by bill, Senate, No. 515), a Resolve establishing a Commission to Study the Feasibility of a Secure Choice Retirement Savings Option (Senate, No. 2408);

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

By Mr. Boncore, for the committee on Housing, on petition, a Bill relative to creating a statutory housing restriction and providing remedies related to statutory housing (Senate, No. 717);

By the same Senator, for the same committee, on petition, a Bill to provide sewer and water rate relief (Senate, No. 730);

By Mr. Feeney, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Shane T. Craven, an employee of the Department of Correction (Senate, No. 2393); and

By Mr. Boncore, for the committee on Transportation, on petition, a Bill relative to life cycle costs for long term pavement solutions (Senate, No. 1966);

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

By Mr. Boncore, for the committee on Transportation, on petition, a Bill renaming a certain bridge over route 38 on interstate 495 (Senate, No. 2335);

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

By Ms. L'Italien, for the committee on Consumer Protection and Professional Licensure, on the recommitted petition, a Bill authorizing the town of Westport to grant 1 additional liquor license for the sale of wine and malt beverages not to be drunk on the premises (Senate, No. 2303) [Local approval received]; and

By the same Senator, for the same committee, on the recommitted petition, a

Id.

Speech-language pathologists,--
licenses.

Health insurance,--
hair prosthesis.

Mental health and
substance abuse,--
denial of coverage.

Retirement savings,--
commission.

Statutory housing,--
restriction.

Sewer and water,--
rate relief.

Shane T. Craven,--
sick leave.

Pavement solutions,--
costs.

Tewksbury,-- bridge
naming.

Westport,-- liquor
license.

Wareham,-- liquor
license.

Bill authorizing the town of Wareham to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises (Senate, No. 2307) [Local approval received];

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

PAPER FROM THE HOUSE.

A Bill making appropriations for the fiscal year 2018 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4382,-- on House, No. 4231),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Supplemental appropriations.

Resolutions.

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

Resolutions (filed by Mr. Barrett) “congratulating the 2017-2018 Waltham High School Boys Hockey Team on winning the 2018 Massachusetts Interscholastic Athletic Association, Incorporated Division I State Championship”;

2017-2018 Waltham High School Boys Hockey Team.

Resolutions (filed by Mr. Timilty, Ms. L’Italien, Mr. Brownsberger, Ms. Creem, Messrs. Crighton, Cyr, deMacedo, DiDomenico, Eldridge and Feeney, Ms. Gobi, Messrs. Hinds and Humason, Ms. Jehlen and Messrs. Keenan, Lesser, Lewis, Montigny, Moore, O’Connor, Pacheco, Rush, Tarr and Welch) “recognizing April as Parkinson’s Disease Awareness Month”; and

Parkinson’s Disease Awareness Month.

Resolutions (filed by Mr. Timilty) “congratulating Francis A. Hegarty on his retirement from the Town of Avon.”

Francis A. Hegarty.

Communication.

The Clerk read the following communication:

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

Senator Michael J. Barrett-- absence from Chamber.

April 5, 2018

William F. Welch
Clerk of the Senate
State House
Room 335
Boston, MA 02133

Dear Mr. Clerk:

Over the last two months, I have been absent from the chamber due to my being at Mass General Hospital while I recovered from an illness. During that time, I missed several important roll call votes.

On the question of engrossment of the bill expanding the community college training program (Senate Bill 2297, Roll Call No. 326), were I present, I would have voted *yes*.

On the question of enactment of the bill further defining standards of employee safety (House Bill 3952, Roll Call No. 327), were I present, I would have voted *yes*.

On the question of engrossment of the bill establishing the MassMade program (Senate Bill 178, Roll Call No. 328), were I present, I would have voted *yes*.

On the question of adoption of the further amendment to the bill protecting access to confidential health care (Senate Bill 2296, Roll Call No. 329), were I present, I would have voted *yes*.

On the question of engrossment of the bill relative to educational collaboratives (Senate Bill 2330, Roll Call No. 330), were I present, I would have voted *yes*.

On the question of engrossment of the bill establishing social media privacy protections for students and employees (Senate Bill 2320, Roll Call No. 331), were I present, I would have voted *yes*.

On the question of adoption of amendment of amendment number 1 to Senate Bill 2331, protecting puppies and kittens (Roll Call No. 332), were I present, I would have voted *yes*.

On the question of engrossment of the bill protecting puppies and kittens (Senate Bill 2331, Roll Call No. 333), were I present, I would have voted *yes*.

On the question of enactment of the bill relative to the transfer of land in the town of Agawam (Senate Bill 2014, Roll Call No. 334), were I present, I would have voted *yes*.

On the question of adoption of amendment number 2 to Senate Bill 2332, relative to animal welfare in cities and towns (Roll Call No. 335), I would have voted *yes*.

On the question of adoption of the further amendment to amendment number 7 to Senate Bill 2332, relative to the duty to report (Roll Call No. 336), were I present, I would have voted *yes*.

On the question of engrossment of the bill relative to animal welfare (Senate Bill 2332, Roll Call No. 337), were I present, I would have voted *yes*.

On the question of engrossment of the bill relative to financial literacy education (Senate Bill 2343, Roll Call No. 338), were I present, I would have voted *yes*.

On the question of engrossment of the bill relative to manufactured housing communities (Senate Bill 2344, Roll Call No. 339), were I present, I would have voted *yes*.

On the question of adoption of amendment number 1 to Senate Bill 2354, relative to towing (Roll Call No. 340) were I present, I would have voted *no*.

On the question of adoption of amendment number 11 to Senate Bill 2355, relative to civic engagement (Roll Call No. 341), were I present, I would have voted *no*.

On the question of adoption of amendment number 15 to Senate Bill 2355, relative to civic engagement (Roll Call No. 342), were I present, I would have voted *no*.

On the question of engrossment of the bill relative to civic engagement (Senate Bill 2355, Roll Call No. 343), were I present, I would have voted *yes*.

On the question of adoption of amendment number 7 to Senate Bill 2368, relative to financing housing (Roll Call No. 344), were I present, I would have voted *yes*.

On the question of engrossment of the bill relative to financing housing (House Bill 4134, Roll Call No. 345), were I present, I would have voted *yes*.

I respectfully request that this communication be printed in the journal of the Senate for the next session.

Appreciatively,
MICHAEL J. BARRETT
Third Middlesex

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

Ordered printed.

Reports of Committees.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Mary Goddard, an employee of the Department of Correction (House, No. 3868, amended),-- ought to pass.

Mary Goddard,-- sick leave.

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

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Ryan C. Fattman for legislation relative to the retirement of state university and community college police officers.

State college police,-- retirement.
SD2601

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

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

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4402) of Lori A. Ehrlich, Cynthia Stone Cream and others for legislation to require the public pension fund to divest from ammunition and firearms;

Public pension funds.

Petition (accompanied by bill, House, No. 4403) of John W. Scibak for legislation to establish a sick leave bank for Bethany Ryan, an employee of the Hampshire County Sheriff's Department; and

Bethany Ryan,-- sick leave.

Petition (accompanied by bill, House, No. 4404) of Andres X. Vargas for legislation to establish a sick leave bank for Sonia Morales, employee of the Department of Youth Services;

Sonia Morales,-- sick leave.

Severally, under suspension of Joint Rule 12, to the committee on Public Service.

Moment of Silence.

At the request of the Chair (Mr. Crighton), the members, guests and staff stood in a moment of silence and reflection to the memory of Nikki Tishler.

Moment of silence.

PAPERS FROM THE HOUSE.

A Bill financing improvements to municipal roads and bridges (House, No. 4367,-- on House, No. 4237),-- was read.

Municipal roads and bridges.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Keenan moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate documents numbered 2409.

The amendment was adopted.

After remarks, Mr. Tarr moved that the text of the amendment be printed in the Journal of the Senate and Senate Calendar; and this motion prevailed.

The bill, as amended, was then ordered to a third reading.

SENATE No. 2409

Ordered printed.

Senate April 9, 2018, – Text of Senate amendment (Senator Keenan) to the House Bill financing improvements to municipal roads and bridges (House, No. 4367)

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

SECTION 1. To provide for a program of transportation development and improvements, the sums set forth in section 2, for the purposes and subject to the conditions specified in this act, are hereby made available, subject to the laws regulating the disbursement of public funds. The sums made available in this act shall be in addition to any amounts previously appropriated or made available for these purposes.

SECTION 2.

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
Highway Division**

6122-1824. For the construction and reconstruction of municipal ways as described in clause (b) of the second paragraph of section 4 of chapter 6C of the General Laws; provided, that a city or town shall comply with the procedures established by the Massachusetts Department of Transportation; provided further, that a city or town may expend, without further appropriation, for these projects amounts not in excess of the amount provided to the city or town under this item upon preliminary notice of such amount, which shall be provided by the department to the city or town not later than March 1 of each year; provided further, that the commonwealth shall reimburse a city or town under this item, subject to the availability of funds as provided in section 9G of chapter 29 of the General Laws, within 30 days after receipt by the department of a request for reimbursement from the city or town which request shall include certification by

the city or town that actual expenses have been incurred on projects eligible for reimbursement under this item and that the work has been completed to the satisfaction of the city or town according to the specifications of the project and in compliance with applicable laws and procedures established by the department; and provided however that the funds shall be used to support a \$200,000,000 annual apportionment program..... \$600,000,000

SECTION 3. Notwithstanding any general or special law to the contrary, to meet the expenditures necessary in carrying out section 2, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$600,000,000. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Municipal Ways Act of 2018, and shall be issued for a maximum term of years, not exceeding 20 years, as recommended by the governor in a message to the general court dated February 13, 2018 under section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2043. All interest and payments on account of principal on these obligations shall be payable from the General Fund. Notwithstanding any other general or special law to the contrary, bonds issued under this section and interest thereon shall be general obligations of the commonwealth.

Report of a Committee.

Mr. Montigny, for the committee on Rules, to whom was referred the Senate Order relative to authorizing the joint committee on the Election Laws to make an investigation and study of certain current Senate documents relative to election laws issues (Senate, No. 2399), reported, in part, a “Bill providing for recall elections in the town of Uxbridge” (Senate, No. 2069).

Uxbridge,-- recall elections.

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

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.

Adjourn In Memory of Nikki Tishler

The Senator from Norfolk and Plymouth, Mr. Keenan, moved that when the Senate adjourns today it adjourn in memory of Nikki Tishler.

Nikki Tishler passed away after a brief illness on March 25, 2018 at the age of 29 with her father Gary by her side. The loss to her family, friends, colleagues, and the whole MassDOT community is a deep one.

Nikki was raised in Easton and most recently lived in Quincy. Her work at MassDOT focused on issues of inclusion and social equity in the transportation planning process, and much of her time was spent on strengthening implementation of Title VI of the Civil Rights Act. She was also the Coordinator of MassDOT’s Safe Routes to Schools program and a liaison to three of the Commonwealth’s Metropolitan Planning Organizations. Nikki had recently been recognized for her

work by the Boston chapter of the Women in Transportation Seminar, which had selected her to be a 2018 Emerging Professional.

Nikki was a member of the Fontbonne Academy Class of 2007, earned her Bachelor of Arts from the University of Massachusetts Amherst College of Humanities & Fine Arts, with a concentration in the Women, Gender, and Sexuality Studies program, and went on to receive a Master's degree from the Heller School for Social Policy and Management at Brandeis University.

Prior to joining MassDOT, Nikki was a Federal Policy and Communications Fellow at the Sexuality Information and Education Council of the United States and the Director of Operations for Lucky Horse Equine Rescue. She was also a Teaching Fellow at Brandeis and a Research Assistant at UMass.

Nikki's devotion to service and her passion to help others was inspirational. She was a fierce advocate for social justice; a good and loyal friend; a volunteer for a suicide prevention hotline; a warm and thoughtful person; a lover of candy, yoga, adventurous travel, and dancing; and an observer of her Jewish faith. As one of her colleagues described her, 'Nikki had the innate ability to promote social wellness, which she was a living example of. Her closest colleagues benefited both professionally and personally from her contagious positivity.'

The world will miss her.

Accordingly, as a mark of respect in memory of Nikki Tishler, at twenty-six minutes past eleven o'clock A.M., on motion of Mr. Tar, the Senate adjourned to meet again on Wednesday next at eleven o'clock A.M.