

**The Commonwealth of Massachusetts**

---

**JOURNAL OF THE SENATE.**



**WEDNESDAY, APRIL 11, 2018.**

[36]

---

## JOURNAL OF THE SENATE.

Wednesday, April 11, 2018.

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

---

The Chair (Mr. Rodrigues), 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. Feeney for the purpose of an introduction. Mr. Feeney then introduced, in the rear of the Chamber, the Mansfield High School Boys Basketball Team. The team was recognized for their first ever Division 1 State Championship victory over their league rival Franklin High School with a score of 67-54. The Senate applauded their accomplishments and they withdrew from the Chamber. They were accompanied by Coach Mike Vaughn.

Mansfield High  
School Boys  
Basketball Team.

There being no objection, the President handed the gavel to Mr. Pacheco for the purpose of an introduction. Mr. Pacheco then introduced, in the rear of the Chamber, the Coyle and Cassidy Lady Warriors Basketball Team from Taunton. The team was recognized for winning the 2017-2018 Division 4 State Championship. The Senate applauded their accomplishments and they withdrew from the Chamber. They were accompanied by Head Coach Michael O'Brien of Somerset, and Assistant Coaches Tim Mosher and Bob Casey of Taunton.

Coyle and Cassidy  
Lady Warriors.

### *Communication.*

Communication from the Honorable Bruce E. Tarr, Senate Minority Leader, announcing the appointment (pursuant to Chapter 1 of the Resolves of 2016) of Mr. Darnell Williams, President of the Urban League of Eastern Massachusetts, to serve as his appointee to the Special Commission to consider an appropriate tribute to Nelson Mandela in the City of Boston, -- **was placed on file.**

Commission on a  
tribute to Nelson  
Mandela.

### *Reports.*

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

Report of the Department of Public Health (pursuant to Section 2 of Chapter 111 of the General Laws) submitting its annual report summarizing mortality data and statistics for the 2015 calendar year (received April 9, 2018);

DPH,-- MA deaths  
2015 report  
SD2619

Report of the Executive Office of Public Safety and Security (pursuant to Section 18B(j) of Chapter 6A and Section 35JJ of Chapter 10 of the General Laws) submitting its State 911 Department's annual report for calendar years 2016 and 2017 and the three-year Grant Expenditure Report (received April 9, 2018); and

EOPSS,-- 911 annual  
reports.  
SD2620

Report of the Department of Elementary and Secondary Education (pursuant to Section 1B, 1J, and 1K of Chapter 69 and Section 38G of Chapter 71 of the General Laws) submitting its proposed amendments to 603 CMR 2.00,

DESE,-- 603 CMR  
2.00 proposed  
amendments.  
SD2621

Accountability and Assistance for School Districts and Schools Regulations (copies having been forwarded as required to Joint Committee on Education) (received April 10, 2018).

*Reports of Committees.*

By Ms. Lovely, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill relative to the well being of children (Senate, No. 66, changed in line 1 by striking out the figure “2012” and inserting in place thereof the following figure:- “2016”; in line 4 after the word “medications”, inserting the following words:- “from a prescribing physician”; and in line 6 after the words “child’s medical care”, inserting the following words:- “in consultation with the prescribing physician”);

Children,-- well being.

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

By Ms. Lovely, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill establishing a commission on the status of children and youth (Senate, No. 59, changed in line 1 by inserting after the word “Laws” the following:- “as so appearing in the 2016 Official Edition”; in line 21 by inserting after the word “Campaign,” the following:- “the Massachusetts Special Commission on Unaccompanied Homeless Youth”; and in line 22, by inserting after the word “Partnership.” the following:- “One member is to be a youth aging out of foster care.”);

Status of children and youth,-- commission.

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

By Mr. Barrett, for the committee on Telecommunications, Utilities and Energy, on Senate, Nos. 1824, 1871 and 1885, a Bill relative to net metering (Senate, No. 1871);

Net metering.

**Read and, under Senate Rule 26D, referred to the committee on Global Warming and Climate Change.**

By Ms. Lovely, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill preventing funds deposited in children's savings accounts from counting against cash assistance benefits (Senate, No. 28, changed in section 1, in line 1, by inserting after the words “SECTION 1” the following words:- “Chapter 18 of the General Laws is hereby amended by inserting after section 39 the following section:- Section 40.”);

Children,-- cash assistance.

By the same Senator, for the same committee, on petition, a Bill to promote the appropriate treatment of young children (Senate, No. 48, changed in lines 3, 6, 9, 11, 13 and 15 by striking out the word “twelve” and inserting in place thereof the following figure:- “12”);

Delinquent children,-- definition.

By Ms. Chang-Diaz, for the committee on Education, on Senate, Nos. 221, 238, 240, 333 and 334, a Bill relative to universal pre-kindergarten access (Senate, No. 221);

Universal pre-k,-- access.

By the same Senator, for the same committee, on Senate, No. 227 and House, Nos. 289, 2038 and 3480, a Resolve authorizing a study of starting times and schedules (Senate, No. 227); and

School day schedules,-- study.

By Mr. Boncore, for the committee on Transportation, on petition, a Bill relative to gender identity on Massachusetts identification (Senate, No. 2377);

Identification,-- gender identity.

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 concurrently, reported, asking to be discharged from further consideration

Of the Senate 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.

Of the Senate Order relative to authorizing the joint committee on Children, Families and Persons with Disabilities to make an investigation and study of certain current Senate documents relative to matters before the committee (Senate, No. 2345);

Children, Families  
and Persons with  
Disabilities  
committee,-- study.

Of the Senate Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to special education (Senate, No. 2348);

Education  
committee,-- study.

Of the Senate Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to English learners and biliteracy (Senate, No. 2349);

Id.

Of the Senate 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. 2350);

Id.

Of the Senate Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to disadvantaged students (Senate, No. 2351);

Id.

Of the Senate Order relative to authorizing the joint committee on Education to make an investigation and study of a certain current Senate document relative to municipal revenue growth factor (Senate, No. 2352);

Id.

Of the Senate Order relative to authorizing the joint committee on Education to make an investigation and study of a certain current Senate document relative to children (Senate, No. 2353);

Id.

Of the Senate Order relative to authorizing the joint committee on Community Development and Small Businesses to make an investigation and study of certain current Senate documents relative to 40B issues (Senate, No. 2360); and

Community  
Development and Small  
Businesses committee,--  
study.

Of the Senate Order relative to authorizing the joint committee on Community Development and Small Businesses to make an investigation and study of certain current Senate documents relative to housing issues (Senate, No. 2361);

Id.

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

**Under Senate Rule 36, the reports were severally considered forthwith and accepted.**

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4405) of Gerard Cassidy (with the approval of the mayor and city council) that the city of Brockton be authorized to create a rent board for manufactured housing in said city,-- **was referred, in concurrence, to the committee on Housing.**

Brockton,--  
manufactured  
housing.

*Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Mary Goddard, an employee of the Department of Correction (see House, No. 3868, 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 2 to 0.

Mary Goddard,-- sick leave.

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

*Recess.*

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

Recess.

PAPER FROM THE HOUSE

*Engrossed Bill — Land Taking for Conservation Etc.*

An engrossed Bill establishing a Garden of Peace Trust Fund (see Senate, No. 2372) (which originated in the Senate), 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-four minutes before two o'clock P.M., as follows, to wit (yeas 36 - nays 0) **[Yeas and Nays No. 353]:**

Garden of Peace.

**YEAS.**

Barrett, Michael J.  
Boncore, Joseph A.  
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.  
Rosenberg, Stanley C.  
Ross, Richard J.  
Spilka, Karen E.  
Tarr, Bruce E.  
Timilty, Walter F.  
Tran, Dean A.  
Welch, James T. — **36.**

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Brady, Michael D.

Rush, Michael F. – 2.

The yeas and nays having been completed at eleven minutes before two 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.

*Resolutions.*

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

Resolutions (filed by Mr. Pacheco) "congratulating the Middleborough High School Football Team on their victory in the Division 6 State Championship."

Middleborough High  
School Football  
Team.

*Communications.*

The Clerk read the following communications:

THE COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE

Senator Eileen M.  
Donoghue--  
resignation.

April 11, 2018

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

Dear Mr. Clerk:

I am writing to inform you of my resignation as the State Senator from the First Middlesex District effective 9:00 a.m. on April 11, 2018. It has been an honor to serve and represent my constituency as an elected official in the Senate.

I thank you in advance for your assistance in placing this letter on file with the Senate, the Secretary of the Commonwealth and the Treasurer of the Commonwealth.

Sincerely,  
EILEEN M. DONOGHUE  
*State Senator*  
*First Middlesex District*

**On motion of Ms. Spilka, the above communication was ordered printed in the Journal of the Senate.**

Ordered printed.

THE COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE

Senator Patricia D.  
Jehlen-- absence  
from Chamber.

April 10, 2018

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

Dear Mr. Clerk:

I was absent from the Chamber for the formal session on Thursday, March 22, 2018.

Had I been present I would have voted in the affirmative on the following roll calls:

- Roll Call 338
- Roll Call 339
- Roll Call 343

and had I been present I would have voted in the negative on the following roll calls:

- Roll Call 340
- Roll Call 341
- Roll Call 342

I ask that these votes be recorded and I respectfully request that a copy of this correspondence be printed in the journal during the next session. Thank you for your consideration on this matter.

Sincerely,

PATRICIA D. JEHLLEN

*Second Middlesex*

**On motion of Ms. Lovely, the above communication was ordered printed in the Journal of the Senate.**

Ordered printed.

THE COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE

Senator Kathleen  
O'Connor Ives--  
absence from  
Chamber.

April 10, 2018

William Welch, *Clerk*  
Massachusetts State Senate  
State House, Room 334  
Boston, MA 02133

Dear Mr. Clerk:

I was absent from the Chamber for a portion of formal session on Thursday, March 22, 2018.

Had I been present, I would have voted in the affirmative on the following roll calls:

- Amendment #15 to Senate Bill, No. 2355, Roll Call 342
- Senate Bill, No. 2355, passing the bill for engrossment, Roll Call 343

And had I been present I would have voted in the negative on the following roll call:

- Amendment #11 to Senate Bill, No. 2153, Roll Call 341

I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official records for the next session. Thank you in advance for your attention to this important matter.

Sincerely,  
KATHLEEN O'CONNOR IVES  
*State Senator*  
*First Essex District*

**On motion of Ms. Friedman, the above communication was ordered printed in the Journal of the Senate.**

Ordered printed.

*Report 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 Harriette L. Chandler and James J. O'Day for legislation to authorize the commissioner of capital asset management and maintenance to modify and relocate an easement in the town of West Boylston.

West Boylston,--  
easement.  
SD2597

**The rules were suspended, on motion of Mr. Moore, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight.**

**Sent to the House for concurrence.**

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4409) of Daniel J. Hunt for legislation to establish a sick leave bank for Daisy F. Bolden, an employee of the Massachusetts Teachers' Retirement System,-- **was referred in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Daisy F. Bolden,--  
sick leave.

*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, Financial Services be granted until Wednesday, May 9, 2018 within which time to make its final report on current House document numbered 3543.

Financial Services,--  
extension order.

**The rules were suspended, on motion of Mr. Barrett and, after remarks, the order (House, No. 4383) was considered forthwith; and was adopted, in concurrence.**

*Engrossed Bills.*

The following engrossed bills (the first 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 President and laid before the Governor for his approbation, to wit:

Permitting a certain parcel of land in the town of New Braintree to be used for a solar farm and other municipal purposes (Senate, No. 2189); and

Bills laid before the  
Governor.

Establishing a sick leave bank for Mary Goddard, an employee of the Department of Correction (House, No. 3868, amended).

The House financing the production and preservation of housing for low and moderate income residents (House, No. 4134),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate, No. 2386), and had asked for a committee of conference on

Housing bond bill.



the disagreeing votes of the two branches; and that Representative Honan of Boston, McGonagle of Everett and Hill of Ipswich have been appointed the committee on the part of the House.

**On motion of Mr. Lesser the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Boncore, Keenan and O'Connor were appointed on the part of the Senate.**

**The bill was returned to the House endorsed accordingly.**

The House Bill regulating and insuring short-term rentals (House, No. 4327), - came from the House with the endorsement that the House had NON-concurred in the further Senate amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate, No. 2400, and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representative Michiewitz of Boston, Peake of Provincetown and Barrows of Mansfield have been appointed the committee on the part of the House.

Short-term rentals.

**On motion of Ms. Jehlen the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Rodrigues, Spilka and Fattman were appointed on the part of the Senate.**

**The bill was returned to the House endorsed accordingly.**

*Report of a Committee.*

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

The Senate Bill relative to the charter of the town of Abington (Senate, No. 2278)

Abington,--  
town charter.

**There being no objection, the rules were suspended, on motion of Ms. L'Italien, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been change by the committee on Bills in the Third Reading to read as follows: "An Act ratifying the adoption of the charter of the town of Abington".**

**Sent to the House for concurrence.**

*Matters Taken Out of the Notice Section of the Calendar.*

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered as follows:

The Senate Bill increasing parking fines in the city of Gloucester (Senate, No. 2223) (its title having been change by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed.**

Gloucester,-- parking  
fines.

**Sent to the House for concurrence.**

The House Bill amending the charter of the town of Chelmsford (House, No. 4243),-- **was read a third time and passed to be engrossed, in concurrence.**

Chelmsford charter.

The Senate Bill further regulating the membership of the licensing commission and the board of election commissioners in the city of Somerville (Senate, No. 2294) (its title having been change by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed.**

Somerville,--  
licensing and board  
of election.

**Sent to the House for concurrence.**

The Senate 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),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing the town of Westport to grant 1 additional license for the sale of wines and malt beverages not to be drunk on the premises".**

**Sent to the House for concurrence.**

*Orders of the Day.*

The Orders of the Day were considered as follows:

The House Bill relative to the appointment of retired police officers in the city of Cambridge as special police officers within the city for paid detail assignments (House, No. 4143, amended),-- **was read a second time and ordered to a third reading.**

Second reading bill.

The House Bill providing for the appointment of treasurer-collector in the town of Stockbridge (House, No. 4162),-- **was read a second time and ordered to a third reading. The rules were suspended, on motion Mr. Hinds, and the bill was read a third time and passed to be engrossed, in concurrence.**

Stockbridge,--  
treasurer-collector.

---

The House Bill financing improvements to municipal roads and bridges (House, No. 4367, amended),-- **was read a third time.**

Municipal roads and  
bridges.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at nineteen minutes past two o'clock P.M., on motion of Mr. Keenan, as follows, to wit (yeas 36 – nays 0) **[Yeas and Nays No. 354]:**

**YEAS.**

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	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.	Rosenberg, Stanley C.
Feeney, Paul R.	Ross, Richard J.
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.**

Brady, Michael D.	Rush, Michael F. – 2.
-------------------	-----------------------

The yeas and nays having been completed at twenty-six minutes past two o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment.

**Sent to the House for concurrence in the amendment.**

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

The Senate Bill establishing a student loan bill of rights (Senate, No. 129),-- was considered, the main question being on ordering the bill to a third reading.

After debate, and pending the question on adoption of the pending amendment, previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2380) and pending the main question on ordering the bill to a third reading, Mr. Tarr moved that the proposed new draft be amended by adding at the end thereof the following section:--

“SECTION 8. Section 24A of chapter 93 is hereby amended by inserting after subsection (d) the following subsection:-

(e) A student loan servicer licensed under the provisions of chapter 93L engaged solely in the activities of a student loan servicer shall not be required to register as a third party loan servicer pursuant to section 24A(b) of chapter 93, or required to obtain a debt collector license pursuant to section 24A(a) of the chapter 93. However, any licensed student loan servicer who engages in third party loan servicing activities or debt collection activities must comply with all pertinent state and federal laws and regulations governing third party loan servicers and debt collection when acting in such capacity.”

The amendment was *rejected*.

Mr. Boncore moved that the proposed new draft be amended by inserting after section 1 the following section:-

“SECTION 1A. Chapter 29 of the General Laws is hereby amended by inserting after section 2YYYY the following section:-

Section 2ZZZZ. There shall be established and set up on the books of the commonwealth a trust fund to be known as the Student Loan Assistance Trust Fund to be administered and expended by the office of the attorney general.

Expenditures may be made from the fund for the purposes of: (i) funding the work of the student loan ombudsman established under section 34 of chapter 12; (ii) providing direct counseling and assistance to student loan borrowers; (iii) receiving, reviewing and assisting in resolving complaints from student loan borrowers; and (iv) pursuing legal action on behalf of student loan borrowers, including, but not limited to, the investigation of such claims, the costs of personnel and litigation, the engagement of experts and the enforcement of settlements. Amounts credited to the fund shall not be subject to further appropriation and money remaining in the fund at the end of a fiscal year shall not revert to the General Fund. The fund shall retain all interest earned on sums deposited in the fund.

The fund may receive revenue from appropriations, other money authorized by the general court designated to the fund and funds from public or private sources, including, but not limited to, gifts, grants, donations, rebates and settlements received by the commonwealth specifically designated for the purposes of this section.

The office of the attorney general shall provide a quarterly report to the house and senate committees on ways and means on the fund's activity. The report shall include, but shall not be limited to, the following information for the preceding

Student loan,-- bill of rights.

5

6

quarter: (1) the total amount of money in the fund, designated by source; (2) the amount of money received by the fund, designated by source; (3) if settlement funds were received, the percentage of the total settlement amount deposited into the fund; (4) an accounting of all expenditures from the fund; (5) a description of the activities and staff supported by the fund; and (6) revenue and expenditure projections for the current fiscal year and for the next fiscal year.”

After remarks, the amendment was adopted.

Mr. Tarr moved that the proposed new draft be amended in section 1, by striking out the last paragraph of proposed section 34 of chapter 12 and inserting in place thereof the following 3 paragraphs:-

4

“Annually, not later than January 1, the ombudsman shall file a report on activities related to student loans and student loan servicers, as defined in section 1 of chapter 93L, with the clerks of the senate and house of representatives, the chairs of the house and senate committees on ways and means and the house and senate chairs of the joint committee on financial services.

The report shall include, but not be limited to: (i) the number of complaints received by the ombudsman from student loan borrowers and the names of the student loan servicers against whom complaints are filed; (ii) the types of complaints received by the ombudsman from student loan borrowers; (iii) the types of resolutions reached for complaints received; and (iv) recommendations to improve the effectiveness of the position of student loan ombudsman. The report shall also include an overview of any information received from the division of banks concerning: (i) the number of complaints received by the division of banks concerning student loans; (ii) the types of complaints received by the division of banks concerning student loans; (iii) the types of resolutions reached by the division of banks; and (iv) recommendations to improve the regulation, oversight and enforcement efforts of the division of banks with respect to student loan servicers. The report shall ensure that all information included in the report is aggregated and de-identified.

The ombudsman shall receive information from the division of banks to assist the ombudsman in fulfilling its duties under this section.”;

In section 2, by striking out proposed subsection (b) of proposed section 3A of chapter 26 and inserting in place thereof the following subsection:- “(b) The unit shall share information with the student loan ombudsman to assist the ombudsman in fulfilling the ombudsman’s duties under section 34 of chapter 12.”;

By inserting after said section 2 the following section:-

“SECTION 2A. Section 24A of chapter 93 of the General Laws is hereby amended by inserting after subsection (d) the following subsection:-

(e) A student loan servicer licensed under chapter 93L who is engaged solely in the activities of a student loan servicer shall not be required to: (i) register as a third party loan servicer pursuant to subsection (b) or (ii) obtain a debt collector license pursuant to subsection (a); provided, however, that if a student loan servicer acts, represents, operates or holds themselves out as a third party loan servicer or debt collector outside of the scope of chapter 93L, then the student loan servicer shall either register as a third party loan servicer or obtain a debt collector license, or both, as appropriate. A licensed student loan servicer who engages in third party loan servicing activities or debt collection activities within the scope of chapter 93L shall comply with all state and federal laws and regulations governing third party loan servicers and debt collection when acting in such capacity.”;

In section 3, in proposed section 2 of proposed chapter 93L, by striking out proposed subsection (c) and inserting in place thereof the following subsection:-

“(c) A person seeking to act as a student loan servicer shall submit an application for a student loan servicer license in such form as the commissioner shall prescribe, which may include a requirement that an applicant shall provide: (i) a financial statement prepared by a certified public accountant or a public accountant; (ii) a history of criminal convictions of the applicant; (iii) a surety bond providing for coverage for the applicant in an amount determined by the commissioner and in a form prescribed by the commissioner; or (iv) any other information the commissioner considers necessary.

An application for a student loan servicer license shall be accompanied by a nonrefundable license fee and a nonrefundable investigation fee. The amount of such fees shall be determined annually by the secretary of administration and finance under section 3B of chapter 7.”;

In said section 3, in said proposed section 2 of said proposed chapter 93L, by striking out proposed subsection (c) and inserting in place thereof the following subsection:-

“(e) A student loan servicer license shall be valid for 1 year as of a date determined by the commissioner, unless suspended or revoked, and shall not be automatically renewed.”;

In section 3, in proposed section 5 of proposed chapter 93L, by striking out subsection (a) and inserting in place thereof the following subsection:-

“(a) If a licensee intends to carry on such business at any place in addition to the address on the license, or plans to change the location of its place of business, the licensee shall notify the commissioner, in writing, not less than 30 days before doing so, and shall pay a fee for each additional location at a reasonable cost as determined by the commissioner. Such notice shall contain the address of any additional or changed location and such other information as the commissioner may require. A student loan servicer license shall be nontransferable and nonassignable.”;

In said section 3, in said proposed section 5 of said proposed chapter 93L, by striking out proposed subsection (c);

In said section 3, by inserting after said proposed section 5 of said proposed chapter 93L the following section:-

“Section 5A. A student loan servicer shall comply with all applicable federal laws and regulations relating to student loan servicing. A violation of federal law or regulation shall be a violation of this chapter and the commissioner may investigate pursuant to section 6.”;

In said section 3, in proposed section 6 of proposed chapter 93L, by inserting after the first paragraph of proposed subsection (a) of the following paragraph:-

“If there is reason to believe that a person other than a licensee has violated this chapter, the commissioner shall have the power to investigate as necessary. The commissioner may examine the person who allegedly violated this chapter and may compel the production of relevant books, records, accounts and documents.”;

In said section 3, by striking out the words “may access”, in line 174, and inserting in place thereof the following words:- “shall have free access to the”;

In said section 3, in proposed subsection (a) of proposed section 6 of proposed chapter 93L, by adding the following 2 paragraphs:-

“The total cost for any investigation or examination, which shall be paid by the student loan servicer not more than 30 days after the receipt of an invoice therefore, shall be in accordance with fees determined annually by the secretary of administration and finance pursuant to section 3B of chapter 7, and shall include expenses for necessary travel outside of the commonwealth to conduct the

investigation or examination.

All records of investigations and reports of examinations by the commissioner, including workpapers, information derived from the reports or responses to the reports, and any copies thereof in the possession of a student loan servicer under the supervision of the commissioner, shall be confidential and privileged communications; provided, however that nothing in this subsection shall interfere with the work of the office of the student loan ombudsman established under section 34 of chapter 12 and that records shall be made public if it is in the public interest. For the purposes of this subsection, records of investigation and reports of examinations shall include records of investigation and reports of examinations conducted by a financial regulatory agency of the federal government, any other state or foreign government which are considered confidential by the agency or foreign government and which are in possession of the commissioner. In a proceeding before a court, the court may issue a protective order in appropriate circumstances to protect the confidentiality of the record and order that the record on file with the court or filed in connection with the court proceeding be sealed and that the public be excluded from any portion of the proceeding at which the record is disclosed. Copies of the reports of examination shall be furnished to a licensee for the licensee's use only and shall not be exhibited to any other person, organization or agency without prior written approval by the commissioner. The commissioner may furnish to regulatory agencies of the federal government, other states or foreign countries, and to a law enforcement agency, information, reports and statements relating to the licensees under the commissioner's supervision as considered appropriate."; and

In section 5, by striking out, in line 207, the words "subsection (c) of section 3A of chapter 26" and inserting in place thereof the following words:- "section 34 of chapter 12".

After remarks, the amendment was adopted.

Ms. Spilka moved that the proposed new draft be amended in section 3, by inserting after the word "receiving", in line 54, the following words:- "or soliciting";

In said section 3, by inserting after the word "finance", in line 62, the following word:- "postsecondary";

In said section 3, by striking out, in lines 74 to 76, inclusive, the words "operating subsidiaries where each owner of the operating subsidiary is wholly owned by the same bank or credit union" and inserting in place thereof the following words:- "nonprofit institutions of higher education"; and

In said section 3, by inserting after the word "business", in line 91, the following words:- "has been conducted and".

The amendment was adopted.

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

The bill (Senate, No. 2380, amended) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays at twenty-one minutes past three o'clock P.M., on motion of Mr. Lesser, as follows, to wit (yeas 36 – nays 0) [**Yeas and Nays No. 355**]:

**YEAS.**

Barrett, Michael J.

Boncore, Joseph A.

Brownsberger, William N.

Keenan, John F.

Lesser, Eric P.

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.	Rosenberg, Stanley C.
Feeney, Paul R.	Ross, Richard J.
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.

Brady, Michael D.	Rush, Michael F. – 2.
-------------------	-----------------------

The yeas and nays having been completed at twenty-five minutes past three o'clock P.M., the bill was passed to be engrossed [For text of Senate Bill printed as amended, see Senate, No. 2421].

**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:

*Order Adopted.*

Mr. Rodrigues presented an Order relative to pending acquisition of Mount Ida College by the University of Massachusetts (Senate, No. 2417),-- **and the same was referred, under the Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

**Subsequently, Mr. Montigny, for the said committees, reported that the order ought to be adopted.**

**Mr. Pacheco in the Chair, there being no objection, the rules were suspended, on motion of Mr. Rodrigues, and the ordered was considered forthwith; and, after remarks, was adopted.**

PAPER FROM THE HOUSE

*Engrossed Bill.*

An engrossed Bill providing for the appointment of a treasurer-collector in the town of Stockbridge (see House, No. 4162) (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 and signed by the Acting President (Mr. Pacheco) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and laid before the Governor for his approbation.**

*Orders of the Day.*

The Orders of the Day were further considered as follows:

Mount Ida College,--  
acquisition.

Bill laid before the  
Governor.

**UNCORRECTED PROOF.**

The Senate Order relative to granting the committee on Public Health until May 9, 2018, within which time to make its final report on certain current Senate documents relative to public health (Senate, No. 2370),-- was considered, the main question being on adoption of the order.

Public Health,--  
extension.

**The pending motion, previously moved by Mr. Tarr, to lay the matter on the table was considered; and the order was laid on the table.**

*Order Adopted.*

On motion of Ms. Chandler,--

*Ordered,* That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Time of meeting.

On motion of the Mr. Montigny, at sixteen minutes before four o'clock P.M., the Senate adjourned to again tomorrow at eleven o'clock A.M.