

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, APRIL 23, 2018.

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JOURNAL OF THE SENATE.

Monday, April 23, 2018.

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

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

Pledge of allegiance.

Petitions.

Petitions were severally presented and referred as follows:

By Ms. Chandler, a petition (accompanied by bill, Senate, No. 2478) of
Harriette L. Chandler and Harold P. Naughton, Jr. (by vote of the town) for
legislation to regard transfer of retained earnings surplus in the town of Clinton
[Local approval received]; and

Clinton,-- earnings
surplus.

By the same Senator, a petition (accompanied by bill, Senate, No. 2479) of
Harriette L. Chandler and Harold P. Naughton, Jr. (by vote of the town) for
legislation to regard snow and ice removal, and repair of private ways in the town
of Clinton [Local approval received];

Clinton,-- private
ways.

**Severally, under Senate Rule 20, to the committee on Municipalities and
Regional Government.**

Severally sent to the House for concurrence.

Reports of Committees.

By Mr. Eldridge, for the committee on Financial Services, on Senate, Nos.
501, 527, 532 and 549, a Bill advancing and expanding access to telemedicine
services (Senate, No. 2471);

Telemedicine
services,-- access.

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

By Mr. Lesser, for the committee on Economic Development and Emerging
Technologies, on Senate, No. 197 and House, No. 2005, a Bill relative to
innovative communities (Senate, No. 2470);

Innovative
communities.

By Ms. Gobi, for the committee on Environment, Natural Resources and
Agriculture, on Senate, No. 451 and House, Nos. 457 and 2926, a Resolve to
protect pollinator habitat (Senate, No. 2460);

Pollinator habitat,--
protect.

By the same Senator, for the same committee, on Senate, No. 456 and House,
No. 2915, a Resolve creating a commission on remediating lead in drinking water
of schools and early childhood centers (Senate, No. 2465);

Schools,-- drinking
water.

By Mr. Moore, for the committee on Higher Education, on Senate, Nos. 672,
681, 692, 700 and 2088 and House, Nos. 638 and 3005, a Resolve establishing a
commission on tuition and fee-free and debt-free public higher education (Senate,
No. 2469); and

Community college,-
- tuition and fees.

By Ms. Friedman, for the committee on Mental Health, Substance Use and

Mental health peer,--
commission.

Recovery, on petition (accompanied by bill, Senate, No. 1089), a Resolve relative to mental health peer specialists certification (Senate, No. 2451);

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

By Ms. Gobi, for the committee on Environment, Natural Resources and Agriculture, on petition (accompanied by bill, Senate, No. 418), a Bill expanding the sale of products by farmer breweries and distilleries (Senate, No. 2459);

By the same Senator, for the same committee, on Senate, Nos. 406 and 461 and House, No. 407, a Bill protecting dogs at boarding kennels and daycare facilities (Senate, No. 2461);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 423), a Bill improving municipal water infrastructure (Senate, No. 2462);

By the same Senator, for the same committee, on Senate, Nos. 433 and 445 and House, Nos. 420 and 469, a Bill expanding the powers of the director of Fisheries and Wildlife (Senate, No. 2463);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 437), a Bill relative to outdoor heritage (Senate, No. 2464);

By Mr. Moore, for the committee on Higher Education, on petition (accompanied by bill, Senate, No. 666), a Bill for reimbursement for costs of the learning contract (Senate, No. 2466);

By the same Senator, for the same committee, on Senate, Nos. 695, 696 and 698, a Bill creating higher education opportunities for students with intellectual disabilities, autism, and other developmental disabilities (Senate, No. 2467);

By the same Senator, for the same committee, on Senate, Nos. 678, 682, 691, 693 and 702, a Bill relative to strengthening and expanding higher education opportunities (Senate, No. 2468);

By Mr. Moore, for the committee on Public Safety and Homeland Security, on petition (accompanied by bill, Senate, No. 1280), a Bill relative to the collection of data on police use of force (Senate, No. 2475);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1283), a Bill relative to stun guns (Senate, No. 2476); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1361), a Bill creating a pilot program to limit driving under the influence of alcohol (Senate, No. 2477);

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

PAPERS FROM THE HOUSE.

A Bill authorizing the town of Shutesbury to convey certain land (House, No. 4125,-- on petition),-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

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

Representative Rushing of Boston to the special commission established (under Chapter 1 of the Resolves of 2016) to consider the viability of establishing a designed space or facility on the Esplanade, Madison Park high school or another location in the city of Boston to commemorate the visit of Nelson Mandela to the

Farmer breweries,-- sales.

Kennels,-- protecting dogs.

Water infrastructure,-- fund.

Fisheries and Wildlife director,-- powers.

Outdoor heritage.

Learning contract,-- reimbursement.

Student with disabilities,-- higher ed opportunities.

Quality higher education,-- expansion.

Police officers,-- use of force.

Firearm,-- stun guns.

Drunk driving,-- pilot program.

Shutesbury,-- land.

Nelson Mandela.

city of Boston.

Resolutions.

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

Resolutions (filed by Ms. Creem, Messrs. Barrett and Brownsberger, Ms. Chandler, Messrs. Cyr, DiDomenico, Eldridge, Fattman and Feeney, Ms. Friedman, Messrs. Hinds, Keenan, Lesser and Lewis, Ms. L'Italien, Messrs. Montigny, Moore, Rodrigues, Rosenberg, O'Connor and Ross, Ms. Spilka and Messrs. Tarr and Tran) "commending Barry Shrage on his distinguished career";

Barry Shrage.

Resolutions (filed by Ms. Creem, Messrs. Barrett, Boncore and Brownsberger, Ms. Chandler, Messrs. Cyr, DiDomenico and Feeney, Ms. Friedman, Messrs. Hinds and Keenan, Ms. Lovely, Messrs. Lesser and Lewis, Ms. L'Italien, Messrs. Moore, O'Connor, Pacheco, Rodrigues, Rosenberg, Ross and Rush, Ms. Spilka and Messrs. Tarr, Timilty, Tran and Welch) "commemorating the seventieth anniversary of the founding of the State of Israel";

State of Israel.

Resolutions (filed by Mr. Pacheco) "congratulating Patricia Riley on her retirement"; and

Patricia Riley.

Resolutions (filed by Messrs. Timilty, Boncore, Brady, Crighton, Cyr, DiDomenico and Feeney, Ms. Gobi, Ms. Jehlen and Messrs. Keenan, Lesser, Lewis, Moore, O'Connor, Rosenberg and Tran) "celebrating North American Occupational Safety and Health Week and Occupational Safety and Health Professional Day."

Greater Boston
Chapter of the
American Society of
Safety Engineers.

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Sarah Chaplin, an employee of the Department of Correction (see Senate, No. 2084, 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.

Sarah Chaplin,-- sick
leave.

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

An engrossed Bill establishing a sick leave bank for Dawn Parmenter, an employee of the Department of Correction (see House, No. 4090, 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.

Dawn Parmenter,--
sick leave.

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

Engrossed Bill Returned by Governor with Recommendation of Amendment.

The engrossed Bill relative to the Garden of Peace (see Senate, No. 2372) (which on Wednesday, April 11, 2018, had been laid before the Governor for his

Garden of Peace.

approbation), was returned to the Senate Clerk by the Governor on Friday, April 20, 2018, at a quarter before five o'clock P.M., with a message recommending an amendment.

The message (Senate, No. 2480) was read and the Senate proceeded to reconsider the bill, in accordance with the provisions of Article LVI of the Amendments to the Constitution.

Pending action thereon, the bill was referred to the committee on Bills in the Third Reading, on motion of Mr. deMacedo.

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 Julian Cyr for legislation relative to elder protection.

Elders,-- protection.
SD2616

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

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, Senate, No. 2482) of Richard J. Ross and David Paul Linsky for legislation further regulating the value of the assets held by the Bacon Free Library in the South Natick section of the Town of Natick,-- **having been transmitted to the Secretary of State under the provisions of Joint Rule 9, and having been returned by the Secretary of State in compliance with Joint Rule 9, the petition was numbered and referred, as previously accepted, to the committee on State Administration and Regulatory Oversight.**

Natick,-- Bacon Free
Library.

Reports of Committees.

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

The Senate Bill further regulating the Commission on Falls Prevention (Senate, No. 1208).

Hull,-- annual town
meeting.

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

The House Bill designating a certain bridge known as the Washington Street bridge in the town of Hudson as the Private First Class Kenneth M. Thibault Memorial Bridge (House, No. 4023).

Hudson,-- Thibault
bridge.

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

The House Bill designating certain bridges in the city known as the town of Barnstable as the First Responders Appreciation Overpasses (House, No. 4152).

Barnstable bridges.

There being no objection, the rules were suspended, on motion of Mr. deMacedo, 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 Ms. Spilka, for the committee on Ways and Means, that the Senate Bill to prevent bureaucratic overreach in the collection of student debt (Senate, No. 2266),-- ought to pass.

Student debt,--
collection.

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 to prevent bureaucratic overreach in the collection of student debt (Senate, No. 2266) (the committee on Ways and Means having recommended that the bill ought to pass) shall be placed in the Orders of the Day for a second reading on Thursday, April 26, 2018.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Tuesday, April 24, 2018. All such amendments shall be second reading-amendments to the Senate Bill to prevent bureaucratic overreach in the collection of student debt (Senate, No. 2266), 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. deMacedo, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, April 26, 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 House 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),-- ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2481 [Direct appropriation: \$143,700,000].

Credit reports,--
consumer protection.

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House 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) (the committee on Ways and Means having recommended that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2481) shall be placed in the Orders of the Day for a second reading on Thursday, April 26, 2018.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Tuesday, April 24, 2018. All such amendments shall be second-reading amendments to the Senate Ways and Means new text (Senate, No. 2481), 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. deMacedo, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, April 26, 2018, for a second reading with the amendment pending.

Reports 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 the Judiciary until May 2, 2018, within which time to make its final report on current Senate documents numbered 1988, 1992, and 2301 (Senate, No. 2437),-- ought to be adopted.

Judiciary,--
extension order.

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

Sent to the House for concurrence.

By Mr. Montigny, for the committee on Rules of the two branches, acting concurrently, that the Senate Order relative to granting the committee on the Telecommunications, Utilities and Energy until April 26, 2018, within which time to make its final report on current Senate documents numbered 1831, 1841, and 1876 (Senate, No. 2438),-- ought to be adopted.

Telecommunications,
Utilities and Energy,-
- extension order.

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

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Order.

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

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Telecommunications, Utilities and Energy be granted until Thursday, April 26, 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, 3742, 4149, 4151, 4222, 4324 and 4371.

Telecommunications,
Utilities and Energy,-
- extension order.

The rules were suspended, on motion of Mr. deMacedo and the order (House, No. 4412) was considered forthwith; and, after remarks, was adopted, in concurrence.

A Bill to establish a sick leave bank for Felix Cruz, an employee of the Department of Youth Services (House, No. 4381,-- on petition),-- was read.

Felix Cruz,-- sick
leave.

There being no objection, the rules were suspended, on motion of Mr.

deMacedo, and the bill was read a second time and ordered to a third reading.

Engrossed Bills.

The following engrossed bills (the first three of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Boncore) and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Sarah Chaplin, an employee of the Department of Correction (see Senate, No. 2084, amended);

Bills laid before the Governor.

Authorizing the city of Easthampton to lease certain real estate (see Senate No. 2152, changed);

Authorizing the town of Hamilton to establish a special fund for the Patton Homestead (see Senate, No. 2245); and

Establishing a sick leave bank for Dawn Parmenter, an employee of the Department of Correction (House, No. 4090, amended).

Order Adopted.

On motion of Mr. deMacedo,--

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

Time of meeting.

Moment of Silence.

At the request of the Chair (Mr. Boncore), the members, guests and staff stood in a moment of silence and reflection to the memory of James Luti.

Moment of silence.

Adjournment in Memory of James Luti.

The Senator from Middlesex, Mr. Lewis, moved that when the Senate adjourns today, it adjourn in memory of James Luti of Stoneham.

James Luti passed away on Wednesday, November 29, 2017. James was a student and hockey player at Stoneham High School. He was an inspiration to his coaches and teammates as they made their run in the state tournament this year. James is loved and remembered by parents John and Maria Luti, grandparents, aunts, uncles, friends, and teammates.

Accordingly, as a mark of respect to the memory of James Luti, at nineteen minutes before twelve o'clock noon, on motion of Mr. deMacedo, the Senate adjourned to meet again on Thursday at eleven o'clock A.M.