

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, APRIL 30, 2018.

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JOURNAL OF THE SENATE.

Monday, April 30, 2018.

Met at two minutes past eleven o'clock A.M.

The President, members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Communication.

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

Dukes County Jail and House of Correction

Middlesex County Jail and House of Corrections (received April 27, 2018),--
was placed on file.

DPH, plan of
corrections.
SD2637

Reports.

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

Report of the Executive Office of Energy and Environmental Affairs (pursuant to Section 3(H) of Chapter 21I of the General Laws) submitting its fiscal year 2017 Progress Report on Toxics Use Reduction in Massachusetts.(received April 26, 2018); and

EOEEA,-- toxics use
reduction.
SD2635

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.
SD2636

Suffolk County Jail

Suffolk County House of Correction

Worcester County House of Correction and Jail

Bristol County Jail and House of Correction

Dartmouth I.C.E. Facility

Bristol County Modular Building

Dartmouth Women's Center (received April 27, 2018).

Reports of Committees.

By Mr. Eldridge, for the committee on Financial Services, on Senate, Nos. 496, 497, 498, 500, 503, 504, 505, 506, 507, 508, 509, 510, 512, 513, 514, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 529, 530, 531, 533, 537, 538, 540, 541, 542, 543, 544, 546, 547, 548, 550, 551, 552, 554, 555, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 569, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 583, 584, 585, 588, 589, 590, 592, 593, 594, 595, 596, 598 and 2080, an Order relative to authorizing the joint committee on Financial Services to make an investigation and study of certain current Senate documents relative to financial services issues (Senate, No. 2496);

Financial Services
committee,-- study.

By Mr. Brownsberger, for the committee on the Judiciary, on Senate, Nos. 756, 778, 787, 822, 825, 885, 1177, 1988, 1992, 2301 and 2311, an Order relative to authorizing the joint committee on the Judiciary to make an investigation and study of certain current Senate documents relative to judicial issues (Senate, No.

Judiciary committee,-
- study.

2499) [Senator Creem dissenting; Senator Ross dissents insomuch as relates to Senate, Nos. 1988, 1992 and 2311];

By Mr. Brady, for the committee on Revenue, on Senate, Nos. 255, 1492, 1494, 1495, 1496, 1497, 1499, 1500, 1501, 1505, 1507, 1508, 1510, 1513, 1515, 1516, 1517, 1518, 1519, 1522, 1524, 1525, 1526, 1527, 1528, 1529, 1531, 1533, 1534, 1537, 1538, 1539, 1540, 1541, 1542, 1544, 1546, 1547, 1548, 1549, 1550, 1552, 1554, 1555, 1556, 1557, 1558, 1560, 1561, 1562, 1563, 1564, 1566, 1569, 1570, 1571, 1572, 1574, 1575, 1577, 1578, 1579, 1580, 1582, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1596, 1597, 1598, 1599, 1600, 1602, 1603, 1605, 1606, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1635, 1636, 1637, 1638, 1640, 1641, 1642, 1643, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1653, 1654, 1656, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1670, 1671, 1672, 1673 and 2188, an Order relative to authorizing the joint committee on Revenue to make an investigation and study of certain current Senate documents relative to revenue matters (Senate, No. 2497); and

Revenue committee,-
- study.

By Mr. Barrett, for the committee on Telecommunications, Utilities and Energy, on Senate, Nos. 1822, 1825, 1826, 1827, 1828, 1830, 1833, 1835, 1838, 1839, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1854, 1856, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1872, 1873, 1875, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1886, 1887, 1888, 1889, 1890, 1891 and 1892, an Order relative to authorizing the joint committee on Telecommunications, Utilities and Energy to make an investigation and study of certain current Senate documents relative to matters before the committee (Senate, No. 2498);

Telecommunications,
Utilities and Energy
committee,-- study.

Severally referred, under Joint Rule 29, 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. 1841 and 1876, a Bill relative to increasing the renewable portfolio standard (Senate, No. 2503);

Renewable energy,--
RPS standards.

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

By Mr. Brownsberger, for the committee on the Judiciary, on Senate, No. 806 and House, Nos. 47 and 3729, a Bill relative to the Uniform Child Custody Jurisdiction and Enforcement Act (Senate, No. 2500);

Child custody,--
jurisdiction.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 962), a Bill relative to safe driving and open containers (Senate, No. 2501); and

Motor vehicle,-- drug
possession.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 969), a Bill to promote family stability (Senate, No. 2502);

Parental Surrogacy
Act.

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

By Mr. Crighton, for the committee on Municipalities and Regional Government, on petition, a Bill regarding transfer of retained earnings surplus in the town of Clinton (Senate, No. 2478) [Local approval received]; and

Clinton,-- earnings
surplus.

By the same Senator, for the same committee, on petition, a Bill regarding snow and ice removal, and repair of private ways in the town of Clinton (Senate, No. 2479) [Local approval received];

Clinton,-- private
ways.

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

There being no objection, at three minutes past eleven o'clock A.M., the President declared a recess subject to the call of the Chair; and, at twenty-four minutes past twelve o'clock noon, the Senate reassembled, Mr. Crighton in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Recess.

Reports 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 proclaiming May as Aviation Awareness Month (Senate, No. 1717).

Aviation Awareness Month.

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.

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 flying of the flag of the Commonwealth at half staff on state buildings and installations (Senate, No. 1820).

State buildings,--
flying of the flag.

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.

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 House Bill designating a certain bridge in the towns of Hanson and Hanover as the Hon. Charles W. Mann Bridge (House, No. 3849, amended).

Hanson -- Hanover,--
Mann Bridge.

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.

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 House Bill relative to life insurance (House, No. 3894, amended).

Life insurance.

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.

PAPERS FROM THE HOUSE

Engrossed Bill.

An engrossed Bill authorizing the treasurer of Plymouth County to transfer certain funds (see House, No. 4034) (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. Crighton) and laid before the Governor for his approbation..**

Bill laid before the Governor.

Resolve Passed.

An engrossed Resolve reviving and continuing the special commission studying cutting, welding and hot work processes regulated by the state fire code

Resolve laid before the Governor.

(see House, No. 4098, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed and signed by the Acting President (Mr. Crighton) and laid before the Governor for his approbation.**

Order Adopted.

On motion of Mr. Tarr,--

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. Crighton), the members, guests and staff stood in a moment of silence and reflection to the memory of Richard "Dick" Leary of Brookline.

Moment of silence.

Adjourn In Memory of Richard "Dick" Leary.

The Senator from Middlesex and Norfolk, Ms. Creem, moved that when the Senate adjourns today, it adjourn in memory of Richard "Dick" Leary of Brookline.

Brookline resident Richard "Dick" Leary died at the age of 85 on March 11, 2018.

Born and raised in Medford, Massachusetts, Dick eventually became the first Brookline town administrator, where he served for over 25 years.

Dick attended Malden Catholic High School and was a member of the 1948 state championship hockey team. He continued to play hockey first at Vermont Academy and then at Dartmouth College, where he earned his degree in government. He went on to earn a master's degree in public administration from Boston University.

Dick began his public service career in his hometown of Medford, where he served as the assistant city manager. He moved to Brookline in 1960, where he initially served under the town's executive secretary to the selectmen, and eventually became the first town administrator in 1985.

He retired from this position in 1994 after over 40 years of public service.

Dick actively participated in civic life. For 20 years, he was a master lecturer at Boston University's Metropolitan College. Dick also served as president of both the Massachusetts Municipal Association and the Brookline Rotary Club, and as a director and board member of the Brookline Chamber of Commerce, among many volunteer activities. His final act of service to his community was his time as general manager of the Holyhood Cemetery in Brookline.

Dick enjoyed a 61 year marriage to the love of his life, Loys "Lindy" Lindgren, who predeceased him. He will be deeply missed by his daughters Susan Leary, Linda Leary, and Elise Lapham and her husband Alan Lapham, and by his grandchildren Ian and Amanda Lapham. He was predeceased by his son, Richard T. Leary, Jr., his brother John F. Leary, Jr. and sister Catherine I. Belair. He is survived by many loving nieces and nephews and will be remembered fondly by the larger Brookline community and all those who knew him.

Accordingly, as a mark of respect in memory of Richard "Dick" Leary, at twenty-nine minutes before one o'clock P.M., on motion of Mr. Tarr, the Senate

adjourned to meet again on Thursday next at eleven o'clock A.M.
