

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, MAY 3, 2018.

[43]

JOURNAL OF THE SENATE.

Thursday, May 3, 2018.

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

Report of a Committee.

The following report was received in the Office of the Clerk of the Senate on Wednesday, May 2, 2018 at sixteen minutes past four o'clock P.M., and placed on file to wit:

Report of the Senate Committee on Ethics concerning the conduct of Senator Stanley C. Rosenberg (pursuant to Senate Order – Senate, No. 2228) (Senate, No. 2510)

Report and
recommendations of
the Senate
Committee on Ethics.

- so much as relates a communication from Stanley C. Rosenberg relative to his leave of absence as President of the Senate (see Senate, No. 2510, Appendix A)
- so much as relates to the Senate Order relative to acceptance of the communication from Stanley C. Rosenberg relative to his leave of absence from the duties of the Office of the President (see Senate, No. 2510, Appendix B)
- so much as relates to the Senate Order relative to the question of the conduct of Senator Stanley C. Rosenberg (see Senate, No. 2510, Appendix C)
- so much as relates to the Senate Order relative to the recusal of Senator Stanley C. Rosenberg and his staff from all decisions relating to investigations of Senator Rosenberg's conduct or that of his spouse (see Senate, No. 2510, Appendix D)
- so much as relates to the statement of Senate Committee on Ethics Chairman Rodrigues (see Senate, No. 2510, Appendix E)
- so much as relates to the press release of Senate Committee on Ethics retaining a special investigator (see Senate, No. 2510, Appendix F)
- so much as relates to the further statement of the Senate Committee on Ethics (see Senate, No. 2510, Appendix G)
- so much as relates to the Report of Special Investigation in the matter of Massachusetts Senate President Stanley Rosenberg (see Senate, No. 2510, Appendix H)
- so much as relates to Resolutions resolving the investigation into the conduct of the Honorable Stanley C. Rosenberg, Senator from the Hampshire, Franklin and Worcester District (see Senate, No. 2510, Appendix I).

Communications.

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

Communication from the Honorable Harriette L. Chandler, President of the Senate, in compliance with Massachusetts General Laws Chapter 268A (received

Senator Harriette L.
Chandler,--Ch. 268A.

in the Office of the Clerk of the Senate on Wednesday, May 2, 2018 at nineteen minutes before four o'clock P.M.); and

Communication from the Department of Public Health (pursuant to Section 25A of Chapter 112 of the General Laws) submitting its report entitled "Investigatory & Disciplinary Actions Conducted by the Board of Registration in Pharmacy" (received April 30, 2018).

DPH,-- pharmacy investigations report. SD2640

Reports.

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

Report of the Department of Public Health (pursuant to Section 232 of Chapter 111 of the General Laws) submitting its report entitled "Suicides in Massachusetts: 2015 Data Report" (received April 30, 2018); and

DPH,-- suicides 2015 report. SD2639

Report of the Department of Public Health (pursuant to line item 4513-1020 of Chapter 47 of the Acts of 2017) submitting its Early Intervention program report with updates from the second quarter of FY18 (received April 30, 2018).

Early Intervention, -- 2d quarter of FY18 report. SD2641

Petition.

Ms. Gobi presented a petition (accompanied by bill, Senate, No. 2507) of Anne M. Gobi and Todd M. Smola (by vote of the town) for legislation to authorize the town of Sturbridge to issue one additional license for the sale of all-alcoholic beverages not to be drunk on the premises at 122 Main Street [Local approval received];

Sturbridge,-- liquor license.

Referred, under Senate Rule 20, to the committee on Consumer Protection and Professional Licensure.

Sent to the House for concurrence.

Reports of Committees.

By Mr. Timilty, for the committee on State Administration and Regulatory Oversight, on Senate, No. 2395 and House, No. 4364, a Bill releasing certain land in Berkley from the operation of an agricultural preservation restriction (Senate, No. 2395);

Berkley,-- land.

Read and, under Senate Rule 26C, referred to the committee on Bonding, Capital Expenditures and State Assets.

By Mr. Feeney, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Melvin Maldonado, an employee of the Department of Mental Health (Senate, No. 2444);

Melvin Maldonado,-- sick leave.

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

By Mr. Timilty, for the committee on State Administration and Regulatory Oversight, on petition, a Bill further regulating the value of the assets held by the Bacon Free Library in the South Natick section of the Town of Natick (Senate, No. 2482);

Natick,-- Bacon Free Library.

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

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 Public Health to make an investigation and study of a certain current Senate document relative to safe medication administration (Senate, No. 2396);

Public Health
committee,-- study.

Of the Senate Order relative to authorizing the joint committee on Public Health to make an investigation and study of a certain current Senate document relative to end of life options (Senate, No. 2397);

Id.

Of the Senate Order relative to authorizing the joint committee on Public Health to make an investigation and study of a certain current Senate document relative to public health (Senate, No. 2398);

Id.

Of the Senate 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);

Housing committee,--
study.

Of the Senate Order relative to authorizing the joint committee on Housing to make an investigation and study of a certain current Senate document relative to bed bugs (Senate, No. 2402);

Id.

Of the Senate 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);

Id.

Of the Senate 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);

Id.

Of the Senate 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);

Id.

Of the Senate Order relative to authorizing the joint committee on Election Laws to make an investigation and study of a certain current Senate document relative to early voting (Senate, No. 2418);

Election Laws
committee,-- study.

Of the Senate Order relative to authorizing the joint committee on Elder Affairs to make an investigation and study of certain current Senate documents relative to elder affairs (Senate, No. 2419); and

Elder Affairs
committee,-- study.

Of the Senate Order relative to authorizing the joint committee on Veterans and Federal Affairs to make an investigation and study of certain current Senate documents relative to veterans (Senate, No. 2420);

Veterans and Federal
Affairs committee,--
study.

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.

Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration

Of the Senate Bill establishing a commission on the status of children and youth (Senate, No. 59, changed);

Status of children and
youth,-- commission.

Of the Senate Bill establishing a commission on electronic notarization (Senate, No. 883); and

Electronic notarization,-
- commission.

Of the Senate Resolve establishing a Commission to Study the Feasibility of a Secure Choice Retirement Savings Option (Senate, No. 2408);

Retirement savings,--
commission.

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. 4458) of RoseLee Vincent and Joseph A. Boncore (with the approval of the mayor and city council) that the city of Revere be authorized to establish penalties and liens for certain water meter ordinance violations.-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

Revere,-- water meter violations.

A Bill relative to counterfeit airbag prohibition (House, No. 4051,-- on House, No. 1803),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Counterfeit airbags.

A Bill authorizing the town of Danvers to grant 10 additional licenses for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4459,-- on House, No. 3763) [Local approval received on House, No. 3763],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Danvers,-- liquor license.

There being no objection, at six minutes past eleven o'clock A.M., the Chair (Mr. Pacheco) declared a recess subject to the call of the Chair; and, at eighteen minutes before four o'clock P.M., the Senate reassembled, the President in the Chair

Recess.

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

Pledge of allegiance.

At seventeen minute before four o'clock P.M, Mr. Tarr doubted the presence of a quorum; but a quorum was deemed present

Quorum.

Resolutions.

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

Resolutions (filed by Mr. Cyr) "congratulating Peter Norton on his years of distinguished service to the town of Brewster";

Peter Norton.

Resolutions (filed by Mr. Cyr) "congratulating Cleon H. Turner on his retirement"; and

Cleon H. Turner.

Resolutions (filed by Ms. Spilka) "congratulating Frank Robinson on his ninetieth birthday."

Frank Robinson.

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill designating a certain bridge in the towns of Hanson and Hanover as the Hon. Charles W. Mann Bridge (see House, No. 3849, 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 9 to 0.

Charles W. Mann Bridge,-- Hanson.

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

Reports of Committees.

The following report was laid before the Senate, the time within which the said committee was required to report having expired:---

Of the committee on Mental Health, Substance Use and Recovery, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, Senate, No. 2378) of Richard J. Ross for legislation to require professional cleanup following a suspected fentanyl-related incident.

Fentanyl cleanup.

The rules were suspended, on motion of Ms. Friedman, and, on further motion of the same Senator, the petition was recommitted to the Joint Committee on Mental Health, Substance Use and Recovery.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Sara Parmenter, an employee of the Department of Corrections (House, No. 4354),-- ought to pass, with an amendment inserting after the word "Parmenter", in line 4, the following words:- "to care for her child".

Sara Parmenter,--
sick leave.

The rules were suspended, on motion of Mr. Keenan, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill modernizing the foundation budget for the 21st century (Senate, No. 2325),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2506)

Foundation budget,--
modernization.

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 modernizing the foundation budget for the 21st century (Senate, No. 2325) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2506) shall be placed in the Orders of the Day for a second reading on Thursday, May 10, 2018.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M. on Monday, May 7, 2018. All such amendments shall be second-reading amendments to Senate, No. 2506, 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. Rush, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, May 10,

2018, for a second reading with the amendment pending.

Report of a Committee.

By Mr. DiDomenico, for the committee on Bills in the Third Reading, to whom was referred the amendment recommended by His Excellency the Governor to the engrossed Bill relative to the Garden of Peace(see Senate, No. 2372) [for message see Senate, No. 2480],— reported, that the amendment recommended by the Governor be considered in the following form:—

Garden of Peace.

By striking out, in line 5, the words “the existing balance held by” and inserting in place thereof the following words:- “any monies authorized by a court to be transferred to the fund from”.

The rules were suspended, on motion of Mr. Humason, and the report was considered forthwith and accepted.

The President stated that under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

Subsequently, after remarks, on motion of Mr. Ross, the Senate then adopted the Governor’s amendment in the form recommended by the committee on Bills in the Third Reading.

Sent to the House for its action.

PAPERS FROM THE HOUSE.

Engrossed Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill establishing the Nickerson State Park Trust Fund (see House, No. 3820) [for message, see Attachment D of House, No. 3828],— came from the House with endorsement that the House adopted the amendment recommended by the Governor (as approved by committee on Bills in the Third Reading), as follows:-

Nickerson State Park
Trust Fund.

By striking out all after the enacting clause and inserting in place thereof the following:-

“SECTION 1. Chapter 10 of the General Laws is hereby amended by inserting after section 35DDD the following section:-

Section 35EEE. (a.) There shall be a Nickerson State Park Trust Fund to be used, without further appropriation, for the long-term preservation and maintenance of Nickerson State Park in the town of Brewster. Any balance in the fund at the end of a fiscal year shall not revert to the General Fund but shall remain available for expenditure in subsequent fiscal years. No expenditure made from the fund shall cause the fund to become deficient at any point during a fiscal year.

(b.) The department of conservation and recreation shall impose a surcharge of \$5 upon each fee charged and collected for admission to camping in Nickerson State Park for out-of-state residents. The additional money collected from the surcharge shall be deposited into Nickerson State Park Trust Fund.

(c.) An annual report, which shall include projects undertaken, expenditures made, and income received by the fund, shall be submitted to the clerks of the house of representatives and the senate and to the house and senate committees on ways and means not later than December 31.

Section 2. This act shall take effect as of July 1, 2017.”

The message was read; and, under the provisions of Article LVI of the

Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Tarr, and, the Governor's amendment was considered forthwith and adopted, in concurrence.

Sent to the House for re-enactment.

A Bill establishing a sick leave bank for George Hodgdon, an employee of the Trial Court (House, No. 4424,-- on petition),-- was read.

George Hodgdon,--
sick leave.

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

Orders.

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

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Education be granted until Tuesday, May 15, 2018, within which time to make its final report on current Senate document numbered 2390 and House document numbered 4378.

Education,--
extension order.

The rules were suspended, on motion of Mr. Feeney, and, after remarks, the order (House, No. 4414, amended) was considered forthwith; and was adopted, in concurrence.

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Education be granted until Wednesday, June 6, 2018 within which time to make its final report on current House documents numbered 2274, 3093 and 4310.

The Judiciary,--
extension order.

The rules were suspended, on motion of Ms. O'Connor Ives, and, after remarks, the order (House, No. 4453) was considered forthwith; and was adopted, in concurrence.

A Bill establishing a sick leave bank for Audrey Art, an employee of the Department of Children and Families (House, No. 4451,-- on petition),-- was read.

Audrey Art,-- sick
leave.

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

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

Petition (accompanied by bill, House, No. 4465) of Diana DiZoglio, Bruce J. Ayers and Brian M. Ashe relative to the online advertising of pet care services;

Pet care,--
advertising

Under suspension of Joint Rule 12, to the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4466) of Diana DiZoglio and others that the Department of Public Health be authorized to establish a task force to investigate best practices for alcohol and drug free housing;

Drug free housing.

Under suspension of Joint Rule 12, to the committee on Mental Health, Substance Use and Recovery.

Petition (accompanied by bill, House, No. 4467) of Diana DiZoglio relative to products used on newborn infants;

Newborns,-- product
safety.

Under suspension of Joint Rule 12, to the committee on Public Health.

Petition (accompanied by bill, House, No. 4468) of Sarah K. Peake relative to the Cape Cod Regional Transit Authority and the Southeastern Regional Transit Authority;

Southeastern
Regional Transit
Authority.

Under suspension of Joint Rule 12, to the committee on Transportation.

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),— 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 document numbered 2493), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Sanchez of Boston, Kulik of Worthington and Smola of Warren had been appointed the committee on the part of the House.

Supplemental budget.

On motion of Mr. Cyr, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Spilka, Lovely and deMacedo were appointed on the part of the Senate.

The bill was returned to the House endorsed accordingly.

The House Bill removing fees for security freezes and disclosures of consumer credit reports (House, No. 4241),— 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 document numbered 2492), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Chan of Quincy, D. Hunt of Boston and R. Hunt of Sandwich had been appointed the committee on the part of the House.

Security freezes.

On motion of Ms. Gobi, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators L'Italien, Keenan and Fattman were appointed on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Authorizing the town of Shutesbury to convey certain land (House, No. 4125); and

Second reading bills.

Authorizing the city of Newton to lease the John W. Weeks School (House, No. 4262);

Were severally read a second time and ordered to a third reading.

The Senate Bill proclaiming May as Aviation Awareness Month (Senate, No. 1717),-- **was read a third time and passed to be engrossed.**

Third reading bill.

Sent to the House for concurrence.

The Senate Bill requiring flying of the flag of the Commonwealth to be flown at half-staff on state buildings and installations on September 11 of each year (Senate, No. 1820) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

State buildings,--
flying of the flag.

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 four o'clock P.M., on motion of Mr. Timilty, as follows, to wit (yeas 37 – nays 0) **[Yeas and Nays No. 371]:**

YEAS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
Chang-Diaz, Sonia	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Michael O.
Crichton, Brendan P.	O'Connor, Patrick M.
Cyr, Julian	O'Connor Ives, Kathleen
deMacedo, Viriato M.	Pacheco, Marc R.
DiDomenico, Sal N.	Rodrigues, Michael J.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Feeney, Paul R.	Spilka, Karen E.
Friedman, Cindy F.	Tarr, Bruce E.
Gobi, Anne M.	Timilty, Walter F.
Hinds, Adam G.	Tran, Dean A.
Humason, Donald F., Jr.	Welch, James T. – 37.
Jehlen, Patricia D.	

NAYS – 0.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. – 1.

**The yeas and nays having been completed at twenty-three minutes past four o'clock P.M., the bill was passed to be engrossed.
Sent to the House for concurrence.**

The House Bill relative to savings bank life insurance (House, No. 3894, amended) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

Life insurance.

The Senate Bill relative to veterans' benefits, rights appreciation, validation and enforcement (Senate, No. 2326),-- was read a second time.

BRAVE Act.

After remarks, and pending the main question on ordering the bill to a third reading, Messrs. Barrett, Welch, O'Connor, Feeney and Brady and Ms. L'Italien moved that the proposed new draft be amended by inserting after section 9 the following section:

1

“SECTION X. Section 6 of chapter 115 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following sentence:-

The commonwealth shall make payments to cities and towns equal to 100 per cent of the amount of benefits paid by cities and towns to or on behalf of recipients living in permanent housing located on real property owned by the federal government or living in institutions or transitional housing as defined in 108 CMR 2.02 if such housing is located on real property owned by the federal government; provided, however, that such payments shall be made to the city or town wherein the recipient resides only for 48 months of residence; and, provided further, that such payments shall not be made for a recipient who has resided elsewhere in the city or town for the six consecutive months immediately preceding his or her move into such housing.”

After remarks, the amendment was adopted.

Messrs. Tarr and Cyr, Ms. Gobi and Mr. Brady moved that the proposed new draft be amended by inserting after section 2 the following section:-

3

“SECTION 2A. Subdivision (1) of section 4 of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting after paragraph (r) the following paragraph:-

(r½) Notwithstanding any general or special law to the contrary, a member in service who: (i) served in the United States Public Health Service Commissioned Corps or the National Oceanic and Atmospheric Administration Commissioned Officer Corps; (ii) has completed not less than 4 years of membership service; and (iii) has retired or will retire on or after January 1, 1975 shall receive full credit for the period of such service; provided, however, that such a member shall receive credit for not more than 4 years of that service. Eligibility for the creditable service of members in service shall be conditioned upon payment into the annuity savings fund of the applicable retirement system, in 1 sum or in installments upon such terms as the applicable retirement board may provide, of an amount equal to the contributions that a member would have otherwise paid into the retirement system plus buyback interest thereon for the period of commissioned corps service based upon the annual salary the member received in the first year of membership service after the member's commissioned corps service.”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at seventeen minutes before five o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 37 – nays 0) **[Yeas and Nays No. 372]:**

YEAS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
Chang-Diaz, Sonia	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Michael O.
Crighton, Brendan P.	O'Connor, Patrick M.
Cyr, Julian	O'Connor Ives, Kathleen
deMacedo, Viriato M.	Pacheco, Marc R.
DiDomenico, Sal N.	Rodrigues, Michael J.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Feeney, Paul R.	Spilka, Karen E.
Friedman, Cindy F.	Tarr, Bruce E.
Gobi, Anne M.	Timilty, Walter F.
Hinds, Adam G.	Tran, Dean A.
Humason, Donald F., Jr.	Welch, James T. – 37.
Jehlen, Patricia D.	

NAYS – 0.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. – 1.

The yeas and nays having been completed at a quarter before five o'clock P.M., the amendment was adopted.

Messrs. Tarr and Brady moved that the proposed new draft be amended by adding the following section:-

4

“SECTION 17. Notwithstanding any general or special law to the contrary,

the department of veterans' services, in consultation with the public employee retirement administration commission, shall conduct a study on the feasibility and cost to the commonwealth of allowing a member of a retirement system who: (i) is a veteran, as defined under section 7 of chapter 4 of the General Laws; and (ii) served in the armed forces of the United States, to receive credit for active service in the armed services of the United States; provided, however, that such creditable service shall not include service for more than 4 years; provided further, that such creditable service shall not be allowed for any period of active service for which the veteran has received credit pursuant to paragraph (h) of subdivision (1) of section 4 of chapter 32 of the General Laws; and provided further, that the amount shall not exceed the 80 per cent allowed to retire. Creditable service time, both enlisted and commissioned, may be applied toward retirement on a ratio of 5 years guard service or 5 years active reserve service substitutable for each year of active service.

The department shall also examine the feasibility of including members of the nurse cadet core in the definition of 'veteran' under said section 7 of said chapter 4.

The study, along with any recommendations, shall be submitted to the clerks of the house and senate, the joint committee on public service, the joint committee on veterans and federal affairs and the house and senate committees on ways and means by December 31, 2018."

After remarks, the amendment was adopted.

Mr. O'Connor moved that the proposed new draft be amended by inserting after section 9 the following 2 sections:-

"SECTION 9A. Section 5N of said chapter 59, as so appearing, is hereby amended by striking out, in lines 15 and 16, the words ' ; and provided further, that the reduction of the real property tax bill shall not exceed \$1,000 in a given tax year'.

SECTION 9B. Said section 5N of said chapter 59, as so appearing, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

A city or town, by vote of its legislative body and subject to its charter, may adjust the exemption in this section by allowing an approved representative for persons physically unable to provide such services to the city or town. The maximum reduction of the real property tax bill shall be 175 volunteer hours in a given tax year; provided, however, that a city or town may limit the number of hours for which a person may receive a reduction to fewer than 175 hours in a given tax year."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at eleven minutes before five o'clock P.M., on motion of Mr. O'Connor, as follows, to wit (yeas 37 – nays 0) **[Yeas and Nays No. 373]:**

YEAS.

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

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

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.

Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 37.

NAYS – 0.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. – 1.

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

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

“SECTION . The executive office of health and human services, in conjunction with the department of veterans’ services, shall conduct a study on access to federal department of veterans affairs benefits for military veterans who may be in state or county correctional custody in Massachusetts.

The study shall investigate any impediments through state, county or federal policy, logistical challenges, or otherwise, that veterans in custody may face when seeking to apply for benefits under federal or state programs, or seeking to access medical evaluations for the purpose of completing, revising or renewing such benefits applications.

The office shall submit a report on the study to the clerks of the senate and house, the chairs of the joint committee on veterans and federal affairs, and the senate and house committees on ways and means not later than March 1, 2019.”

After remarks, the amendment was adopted.

Mr. Cyr moved that the proposed new draft be amended by adding the following section:

“SECTION 17. The department of veterans’ services, in coordination with the executive office for administration and finance and the military division of the executive office of public safety and security, shall study the feasibility and costs associated with designating members of the Massachusetts national guard and the reserve forces of the United States veteran status as appearing in Clause 43 of section 7 of chapter 4 of the General Laws.

The departments shall report its findings to the clerks of the house of representatives and senate and the chairs of the joint committee on veterans and federal affairs not later than September 1, 2019.”

After remarks, the amendment was adopted.

Messrs. Cyr, O'Connor and Brady and Ms. L'Italien moved that the proposed new draft be amended by inserting after section 9 the following section:

“SECTION 9C. Section 1 of chapter 60A of the General Laws, as so appearing, is hereby amended by inserting after the word ‘guard’, in line 137, the following words:- or reserves.”.

After remarks, the amendment was adopted.

Messrs. Crighton and O'Connor moved that the proposed new draft be amended by inserting the following sections:

“SECTION 9D. Section 2 of chapter 90 of the General Laws, as so

appearing, is hereby amended by inserting after the word ‘vehicle’, in line 507, the following words:- or to the registrant of a motor vehicle that is owned by a partnership, trust or corporation if the motor vehicle otherwise meets the criteria of a private passenger vehicle and there is no distinctive promotional or advertisement marking visible on the motor vehicle.

SECTION 9E. Said section 2 of said chapter 90, as so appearing, is hereby further amended by inserting after the word ‘person’, in line 512, the following words:- or for 1 motor vehicle that is owned by a partnership, trust or corporation if the motor vehicle otherwise meets the criteria of a private passenger vehicle, there is no distinctive promotional or advertisement marking visible on the motor vehicle and the motor vehicle is principally used by that person.

SECTION 9F. Said section 2 of said chapter 90, as so appearing, is hereby further amended by inserting after the word ‘person’, in line 517, the following words:- or for 1 motor vehicle that is owned by a partnership, trust or corporation if the motor vehicle otherwise meets the criteria of a private passenger vehicle, there is no distinctive promotional or advertisement marking visible on the motor vehicle and the motor vehicle is principally used by that person.

SECTION 9G. Said section 2 of said chapter 90, as so appearing, is hereby further amended by inserting after the word ‘vehicle’, in line 521, the following words:- or a motor vehicle that is owned by a partnership, trust or corporation if the motor vehicle otherwise meets the criteria of a private passenger vehicle and there is no distinctive promotional or advertisement marking visible on the motor vehicle.”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at one minute past five o'clock P.M., on motion of Mr. Crighton, as follows, to wit (yeas 37 – nays 0) **[Yeas and Nays No. 374]:**

YEAS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
Chang-Diaz, Sonia	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Michael O.
Crighton, Brendan P.	O'Connor, Patrick M.
Cyr, Julian	O'Connor Ives, Kathleen
deMacedo, Viriato M.	Pacheco, Marc R.
DiDomenico, Sal N.	Rodrigues, Michael J.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Feeney, Paul R.	Spilka, Karen E.
Friedman, Cindy F.	Tarr, Bruce E.
Gobi, Anne M.	Timilty, Walter F.
Hinds, Adam G.	Tran, Dean A.
Humason, Donald F., Jr.	Welch, James T. – 37.
Jehlen, Patricia D.	

NAYS – 0.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. – 1.

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

Messrs. Tarr, O'Connor, Feeney and Hinds moved that the proposed new draft be amended by inserting after section 11 the following new section:- 16

"SECTION 12. Section 8 of said chapter 115, as appearing in the 2016 official edition by striking in line 38 the word 'may' and inserting in place thereof the word 'shall'.

Pending the question on adoption of the amendment, Mr. Fattman moved that the amendment (Tarr et al) be amended by striking the underlying in its entirety and inserting in place thereof the following:- by inserting after section 12 the following section:- 16.1

"SECTION 12A. Chapter 149 is hereby amended by striking out section 52A½, as so appearing, and inserting in place thereof the following section:-

Section 52A½. An employee who is a veteran or a member of a department of war veterans listed in section 17 of chapter 8 and who desires to participate in a Memorial Day exercise, parade or service in the employee's community of residence shall be allowed and granted a leave of absence of sufficient time to participate in such an exercise, parade or service in the employee's community of residence. The leave of absence shall be with or without pay, at the discretion of the employee's employer.

An employee who is a veteran or is a member of a department of war veterans listed in said section 17 of said chapter 8 shall be granted time off to observe Veterans Day. The time off shall be with or without pay, at the discretion of their employer.

This section shall not apply to employees whose services are essential and critical to the public health or safety and determined to be essential to the safety and security of such an employee's employer or the property of the employer."

After remarks, the further amendment (Fattman) was adopted.

The pending amendment (Tarr et al), as amended (Fattman), was then considered; and adopted.

Ms. Gobi, Messrs. Ross and O'Connor and Ms. L'Italien moved that the proposed new draft be amended by inserting after section 1 the following section:- 17

"SECTION 2. Said chapter 29 of the General Laws is hereby further amended by inserting after section 2WWW the following section:-

Section 2XXXX. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Massachusetts Veterans and Warriors to Agriculture Program Fund, in this section referred to as the fund. The fund shall be administered by the department of agricultural resources. Notwithstanding any general or special law to the contrary, there shall be credited to the fund any revenue from appropriations or other monies authorized by the general court and specifically designated to be credited to the fund, and any gifts, grants, private contributions, or investment income earned on the fund's assets and all other sources. Monies deposited in the fund that are unexpended at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent year and shall not be subject to section 5C of chapter 29.

(b) The public purpose of the fund shall be to enhance the education, training, employment, income, productivity and retention of veterans currently working or aspiring to work in the field of agriculture in the commonwealth. The department of agricultural resources, in consultation with the department of veteran services, shall establish, develop, and implement the Massachusetts Veterans and Warriors to Agriculture Program in furtherance of this purpose. Amounts credited to the fund shall be used, without further appropriation, for the costs associated with

administering and implementing the program and may also be used to provide grants or loans on a competitive basis to public, private, and charitable entities to finance projects in furtherance of this public purpose. Expenditures from the fund for such purpose shall complement and not replace existing local, state, private or federal funding for related training and educational programs.”

After remarks, the amendment was adopted.

Messrs. Montigny and O'Connor and Ms. Gobi moved that the proposed new draft be amended by inserting at the end thereof the following:-

18

"SECTION__ Section 52 of chapter 130 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the word 'therefor', in line 61, the following words:- ; provided, however, that such city or town shall not charge a veteran, as defined in clause forty-third of section 7 of chapter 4, who resides in a town not offering such permits a fee greater than the fee charged to a resident of such city or town."

The amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by inserting in line 209 after the word "reimbursements" the following:-"(v) recommend any gaps to insure proper continuity of care".

20

The amendment was adopted.

Messrs. Ross and O'Connor moved that the proposed new draft be amended by adding the following section:-

23

“SECTION 17. The department of higher education, in coordination with the department of veterans’ services, shall conduct a study on the cost and feasibility of exempting veterans of the commonwealth from tuition, fees and associated costs of attending public colleges and universities in the commonwealth resulting from changes in federal veteran services and benefits related to higher education. The study shall include, but not be limited to: (i) an evaluation of the cost of exempting veterans from paying tuition, fees and associated costs at public colleges and universities in the commonwealth; (ii) current residency requirements for in-state tuition eligibility in the commonwealth and in other states; (iii) the societal impact of an exemption for veterans and their families; and (iv) the effect of such a policy on the finances of the commonwealth. The department shall submit a report on the study to the clerks of the senate and house, the chairs of the joint committee on veterans and federal affairs and the chairs of the joint committee on higher education not later than December 31, 2019.”

The amendment was adopted.

Ms. Spilka moved that the proposed new draft be amended in section 1, by striking out, in line 8, the word “Saturday” and inserting in place thereof the following word:- “Sunday”; in section 12, by striking out, in line 80, the word “housing” and inserting in place thereof the following word:- “housebound”; in said section 12, by striking out, in line 81, the word “any” and inserting in place thereof the following words:- “such a”; and in section 15, by striking out, in line 193, the word “other” and inserting in place thereof the following word:- “unpaid”.

21

The amendment was adopted.

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

The bill (Senate, No. 2454, 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 ten minutes past five o’clock P.M., on motion of Mr. Rush, as follows, to wit (yeas 37 – nays 0) **[Yeas and Nays No. 375]:**

YEAS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
Chang-Diaz, Sonia	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Michael O.
Crichton, Brendan P.	O'Connor, Patrick M.
Cyr, Julian	O'Connor Ives, Kathleen
deMacedo, Viriato M.	Pacheco, Marc R.
DiDomenico, Sal N.	Rodrigues, Michael J.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Feeney, Paul R.	Spilka, Karen E.
Friedman, Cindy F.	Tarr, Bruce E.
Gobi, Anne M.	Timilty, Walter F.
Hinds, Adam G.	Tran, Dean A.
Humason, Donald F., Jr.	Welch, James T. – 37.
Jehlen, Patricia D.	

NAYS – 0.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. – 1.

The yeas and nays having been completed at thirteen minutes past five o'clock P.M., the bill was passed to be engrossed [For text of Senate Bill, printed as amended, see Senate, No. 2509].

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 Labor and Workforce Development be granted until Monday, July 2, 2018 within which time to make its final report on current Senate documents numbered 88, 1004, 1040 and 1048, and House documents numbered 1015, 1021, 1970, 2172, 2365, 3134, 3152, 3154 and 4058.

The rules were suspended, on motion of Mr. Welch, and, after remarks, the order (House, No. 4460) was considered forthwith; and was adopted, in concurrence.

Communication.

The following communication, which was received in the Office of the Clerk of the Senate at twenty-six minutes past two o'clock P.M. on Wednesday, May 3, 2018, was read and placed on file to wit:

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

Labor and Workforce
Development,--
extension order.

Senator Stanley C.
Rosenberg,--
resignation.

May 3, 2018

The Honorable Senator Harriette L. Chandler
President of the Senate
State House, Room 332
Boston, Massachusetts 02133

Dear President Chandler,

I hereby resign from my position as State Senator for the Hampshire, Franklin and Worcester District effective Friday, May 4, 2018 at 5:00 P.M.

Sincerely,
STAN ROSENBERG
State Senator

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

Ordered printed.

Resolutions.

The following Resolutions (having been filed with the Clerk by Ms. Spilka and Mr. Tarr) were considered forthwith and read, as follows:—

RESOLUTIONS COMMITTING TO A SAFE, SECURE AND RESPECTFUL WORKPLACE.

Safe and secure workplace.

WHEREAS, THE MASSACHUSETTS SENATE ACCEPTS AND ENDORSES THE FINDINGS OF THE SPECIAL INVESTIGATOR AND THANKS THE VICTIMS AND WITNESSES WHO CAME FORWARD TO PUSH US TO BECOME A BETTER INSTITUTION; AND

WHEREAS, THE MASSACHUSETTS SENATE WILL CONTINUE TO WORK TO EARN AND HONOR THE TRUST OF THE VICTIMS AND WITNESSES; AND

WHEREAS, THE MASSACHUSETTS SENATE THANKS THE SPECIAL INVESTIGATOR AND THE SENATE COMMITTEE ON ETHICS FOR THE CARE THEY TOOK BOTH TO PROTECT WITNESS' ANONYMITY AND TO MAKE THE SPECIAL INVESTIGATOR'S REPORT, IN ITS ENTIRETY, PUBLIC; AND

WHEREAS, THE MASSACHUSETTS SENATE ACCEPTS SENATOR ROSENBERG'S RESIGNATION BECAUSE WE, AS A BODY, AGREE WITH THE DECISION THAT IT IS NO LONGER APPROPRIATE FOR HIM TO SERVE IN THE MASSACHUSETTS SENATE; NOW THEREFORE BE IT

RESOLVED, THAT THE MEMBERS OF THIS BODY SAY TO VICTIMS, STAFF AND ALL WHOSE LIVES WERE AFFECTED: WE ARE SORRY FOR WHAT YOU HAVE BEEN THROUGH; YOU DESERVED BETTER; WE MUST DO BETTER; AND BE IT FURTHER

RESOLVED, THAT THE MASSACHUSETTS SENATE PLEDGES TO YOU TO WORK DILIGENTLY AND SWIFTLY TO FORTIFY THE SENATE'S SYSTEMS FOR PREVENTING AND INTERVENING IN HARASSMENT IN ALL ITS FORMS; AND BE IT FURTHER

RESOLVED, THAT STAFF AND ALL THOSE WHO WALK THROUGH

THE STATE HOUSE DOORS MUST BE ABLE TO WORK IN CONFIDENCE THAT THESE POLICIES ARE LIVED VALUES AND NOT MERE PIECES OF PAPER.

After remarks, the question on adoption of the resolutions was determined by a call of the yeas and nays, at twenty-one minutes past five o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 37 — nays 0) [**Yeas and Nays No. 376**]:

YEAS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
Chang-Diaz, Sonia	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Michael O.
Crichton, Brendan P.	O'Connor, Patrick M.
Cyr, Julian	O'Connor Ives, Kathleen
deMacedo, Viriato M.	Pacheco, Marc R.
DiDomenico, Sal N.	Rodrigues, Michael J.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Feeney, Paul R.	Spilka, Karen E.
Friedman, Cindy F.	Tarr, Bruce E.
Gobi, Anne M.	Timilty, Walter F.
Hinds, Adam G.	Tran, Dean A.
Humason, Donald F., Jr.	Welch, James T. — 37.
Jehlen, Patricia D.	

NAYS — 0.

ABSENT OR NOT VOTING.

Rosenberg, Stanley C. — **1.**

The yeas and nays having been completed at twenty-five minutes past five o'clock P.M., the resolutions were adopted.

Order Adopted.

On motion of Mr. Barrett,—

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

Time of meeting.

Moment of Silence.

At the request of the President, the members, guests and staff stood in a moment of silence and reflection to the memory of former State Representative James R. Miceli.

Moment of silence.

Adjourn In Memory of James R. Miceli.

The Senator from Essex and Middlesex, Ms. L'Italien, and the Senator from Essex and Middlesex, Mr. Tarr, moved that when the Senate adjourns today, it

adjourn in memory of former State Representative James R. Miceli of Wilmington.

Ms. L'Italien and Mr. Tarr in the Chair, Jim Miceli passed away doing what he loved – attending a Wilmington Little League opening day celebration.

A man of unerring moral principles, consummate integrity and deep devotion to his constituents and, above all, his family, State Representative James R. Miceli was the second-longest serving member of the Massachusetts Legislature. He continuously represented the towns of Wilmington and Tewksbury since his 1977 election to the House of Representatives, and he was a passionate and tenacious advocate for his constituents and the causes he held dear. During his 21st term, he was Vice Chair of the House Committee on Global Warming and Climate Change and served on the Joint Committee on Ways and Means, the Joint Committee on Tourism, Arts and Cultural Development, the House Committee on Personnel and Administration, and the House Committee on Ways and Means.

Rep. Miceli grew up in Boston's North End and graduated from Boston English High School in 1953. He earned a bachelor's degree in business from Northeastern University in 1958 and met his beloved wife, Jean Mattson, while both were students at Northeastern. They were married on August 9, 1958, in Rockport, Massachusetts, and moved to Wilmington in 1961. Representative Miceli's political career commenced in 1963 with his appointment to the Wilmington Planning Board. He was elected to the Board of Selectmen in 1966, and he served four terms, two as Chairman, until 1978. His first term in the House of Representatives began in late 1977.

Known for the legendary work ethic that drove his above-and-beyond effort for all he served, Representative Miceli was kind, compassionate and exceptionally thoughtful in the many ways that he helped people throughout his life. Above all, he was dedicated to his family, and he took great pride in the accomplishments of his children, Hope, James Jr. and Christina, and his cherished grandchildren, Andrew Jr., James III, Katherine, Q Jane, Alexander and Christopher.

Representative Miceli is the son of the late Vincenzo and Louise Miceli and brother of the late Josephine McCoy. He is survived by his loving wife, Jean; daughter and son-in-law Hope and Andrew Spalla of Trumbull, Connecticut; son and daughter-in-law James Jr. and Joanne Miceli of Sparta, New Jersey; and daughter and son-in-law Christina Miceli and Sanford Arbogast of Tewksbury. He is also survived by his grandchildren Andrew Spalla Jr. of Bridgeport, Connecticut; Katherine Spalla of Astoria, New York; James III and his wife, Shanna, Miceli of Arlington, Virginia; Q Jane and her husband, Alexander Carleton of Fort Lupton, Colorado; and Alexander Arbogast and Christopher Arbogast of Tewksbury. Representative Miceli is also survived by many nieces and nephews.

The President in the Chair, accordingly, as a mark of respect to the memory of James R. Miceli, at twenty-nine minutes before six o'clock P.M., on motion of Mr. Pacheco, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.