

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**THURSDAY, MAY 17, 2018.**

[48]

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## JOURNAL OF THE SENATE.

Thursday, May 17, 2018.

Met at eight 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).

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

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Pledge of allegiance.

### *Distinguished Guests.*

There being no objection, the Chair (Mr. Pacheco) handed the gavel to Mr. Tran for the purpose of an introduction. Mr. Tran then introduced, in the rear of the Chamber, his Deputy Chief of Staff, Tillie Ryan of Fitchburg. Tillie was being recognized for her 21 years and 9 months of service to the Worcester and Middlesex district. She has remained a steady guide for the district having previously worked for Senators Robert Antonioni, who was in the gallery, and Jennifer Flanagan. The Senate wished her well on her upcoming retirement and she withdrew from the Chamber.

Tillie Ryan.

### *Reports.*

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

Report of the Department of Public Health (pursuant to Section 35X of Chapter 10, Section 24A of Chapter 94C and Sections 9G, 25, 43, and 78 of Chapter 112 of the General Laws) submitting its report entitled "Bureau of Health Professions Licensure Annual Report" (received May 15, 2018); and

Report of the Department of Elementary and Secondary Education (pursuant to line Item 7061-9408 of Chapter 47 of the Acts of 2017 and Section 1J(z) of Chapter 69 of the General Laws) submitting its 2017-2018 Intervention and Targeted Assistance report (received May 16, 2018).

DPH,-- HPL annual report. SD2653

DESE,-- targeted assistance report. SD2655

### *Petition.*

Mr. Moore presented a petition (accompanied by bill) (subject to Joint Rule 12) of Michael O. Moore for legislation relative to state employee information privacy;

State employee,-- privacy. SD2652

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

### *Reports of Committees.*

By Ms. Chang-Diaz, for the committee on Education, on petition (accompanied by bill, Senate, No. 2390), an Order relative to authorizing the joint committee on Education to make an investigation and study of a certain current Senate document relative to student nutrition (Senate, No. 2527);

Education committee,-- study.

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

By Mr. Crighton, for the committee on Municipalities and Regional

Northampton,--

Government, on petition, a Bill authorizing the city of Northampton to release a certain conservation easement (Senate, No. 2512) [Local approval received];

conservation easement.

By the same Senator, for the same committee, on petition, a Bill allowing Everett City Council to set the salary for the Clerk of the City Council (Senate, No. 2514) [Local approval received]; and

Everett,-- city council clerk.

By the same Senator, for the same committee, on petition, a Bill amending the charter of the City of Everett (Senate, No. 2516) [Local approval received];

Everett,-- charter.

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

#### PAPERS FROM THE HOUSE

A petition (accompanied by bill, House, No. 4500) of Angelo L. D'Emilia and Marc R. Pacheco (by vote of the town council) relative to amending the charter of the city known as the town of Bridgewater,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

Bridgewater,-- charter.

#### Bills

Establishing a solid waste and recycling capital improvement fund for the town of Dennis (House, No. 3898, amended,-- on petition) [Local approval received]; and

Dennis,-- waste and recycling fund.

Establishing a waterways capital improvement fund for the town of Dennis (House, No. 3899, amended-- on petition ) [Local approval received];

Dennis,-- waterways fund.

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

#### *Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Sara Parmenter, an employee of the Department of Correction (see House, No. 4354, 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.

Sara Parmenter,-- sick leave.

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

#### *Recess.*

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

Recess.

At twenty-one minutes before two o'clock P.M., Mr. Keenan doubted the presence of a quorum. The Chair (Mr. Pacheco), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently, at sixteen minutes before two o'clock P.M., a quorum was declared present.

*Resolutions.*

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

Resolutions (filed by Mr. O'Connor) "congratulating Leeon Bacchus of the town of Hingham on his elevation to the rank of Eagle Scout";

Leeon Bacchus.

Resolutions (filed by Mr. O'Connor) "congratulating Sean O'Connell of the town of Weymouth on his elevation to the rank of Eagle Scout";

Sean O'Connell

Resolutions (filed by Mr. O'Connor) "congratulating Sebastian Pizzuto of the town of Weymouth on his elevation to the rank of Eagle Scout";

Sebastian Pizzuto.

Resolutions (filed by Mr. O'Connor) "congratulating Thomas Olson of the town of Cohasset on his elevation to the rank of Eagle Scout";

Thomas Olson.

Resolutions (filed by Mr. Pacheco) "congratulating John R. Boersdamm of the town of Middleboro on his elevation to the rank of Eagle Scout";

John R. Boersdamm.

Resolutions (filed by Mr. Pacheco) "commending Doctor Julie Hackett on being recognized as the 2018 'Woman of Achievement' by Girls Incorporated of Taunton";

Doctor Julie Hackett.

Resolutions (filed by Mr. Ross) "congratulating Amanda Dye of the town of Sherborn on receiving the Gold Award of the Girl Scouts of America";

Amanda Dye.

Resolutions (filed by Messrs. Ross and Rush) "congratulating Andrew Andrenella on his elevation to the rank of Eagle Scout";

Andrew Andrenella.

Resolutions (filed by Messrs. Ross and Rush) "congratulating Ted Blake on his elevation to the rank of Eagle Scout";

Ted Blake.

Resolutions (filed by Messrs. Ross and Rush) "congratulating Matthew Kettlewell on his elevation to the rank of Eagle Scout"; and

Matthew Kettlewell.

Resolutions (filed by Messrs. Ross and Rush) "congratulating William Patsios on his elevation to the rank of Eagle Scout."

William Patsios.

*Reports of Committees.*

By Mr. Feeney, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Lisa Fuccione, an employee of the Department of Public Health (Senate, No. 2522).

Lisa Fuccione,--  
sick leave.

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

PAPERS FROM THE HOUSE.

A Bill establishing a sick leave bank for Gloria Phillips, an employee of the Department of Industrial Accidents (House, No. 4336, amended,-- on petition),-- was read.

Gloria Phillips,-- sick  
leave.

**There being no objection, the rules were suspended, on motion of Mr. Rush, 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. 4505) of Aaron Michlewitz relative to the uses of the land owned by the Commercial Wharf East Condominium and its condominium unit owners in the city of Boston under the tidelands law;

Boston,--  
tidelands law.

**Under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.**

Petition (accompanied by bill, House, No. 4506) of Dylan Fernandes that the

Martha's Vineyard

county commissioners of the county of Dukes County be authorized to raise and expend funds for certain costs of designing and constructing improvements to the Martha's Vineyard Airport's wastewater treatment facility;

Airport,--  
improvements.

**Under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.**

Petition (accompanied by bill, House, No. 4507) of Timothy R. Whelan and others relative to firearms furnished through the civilian marksmanship program;

Civilian  
marksmanship  
program.

**Under suspension of Joint Rule 12, to the committee on Public Safety and Homeland Security.**

Petition (accompanied by bill, House, No. 4508) of Thomas A. Golden, Jr., and Joan B. Lovely for legislation to establish a sick leave bank for David Palazzo, an employee of the Department of Developmental Services; and

David Palazzo,-- sick  
leave.

Petition (accompanied by bill, House, No. 4509) of Todd M. Smola and Anne M. Gobi for legislation to establish a sick leave bank for Sandra Elizabeth Smith, an employee of the Department of Developmental Services;

Sandra Elizabeth  
Smith,-- sick leave.

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

Petition (accompanied by bill, House, No. 4510) of Thomas A. Golden, Jr., and others that the commissioner of Capital Asset Management and Maintenance be authorized to transfer certain parcels of land in the town of Chelmsford; and

Chelmsford,-- land  
transfer.

Petition (accompanied by bill, House, No. 4511) of David K. Muradian, Jr., and Michael O. Moore (by vote of the town) that the commissioner of Capital Asset Management and Maintenance be authorized to convey certain parcels of land at the former Grafton State Hospital to the town of Grafton;

Grafton State  
Hospital,-- land  
conveyance.

**Severally, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.**

*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 Elder Affairs be granted until Wednesday, June 13, 2018, within which time to make its final report on current Senate documents numbered 336, 345, 352 and 358, and House documents numbered 350, 2072, 2885 and 2890.

Elder Affairs,--  
extension order.

**The rules were suspended, on motion of Mr. Rodrigues and, the order (House, No. 4485) was considered forthwith; and, after remarks was adopted, in concurrence.**

*Ordered*, that notwithstanding the provisions of Joint Rule 10, the committee on Financial Services be granted until Wednesday, June 13, 2018, within which time to make its final report on current Senate documents numbered 545 and 587, and House documents numbered 482, 509, 535, 2159, 2966, 3543 and 4137.

Financial Services,--  
extension order.

**The rules were suspended, on motion of Mr. Rodrigues and the order (House, No. 4487) was considered forthwith; and, after remarks, was adopted, in concurrence.**

*Ordered*, that notwithstanding the provisions of Joint Rule 10, the committee on Public Health be granted until Friday, July 13, 2018, within which time to make its final report on current House documents numbered 1143, 1151, 1189, 1205, 1245, 2442, 3226, 3240, 3514 and 3597.

Public Health,--  
extension order.

The rules were suspended, on motion of Mr. Rush, and the order (House, No. 4480) was considered forthwith; and, after remarks, was adopted, in concurrence.

*Engrossed Bills.*

The following engrossed bills (the first two 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. Pacheco) and laid before the Governor for his approbation, to wit:

Authorizing the Brookfield Housing Authority to convey a certain parcel of land and the buildings thereon (see Senate, No. 2146);

Bills laid before the Governor.

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 (Senate, No. 2303);

Relative to the annual observance of Massachusetts Women's Defense Corps Remembrance Day (House, No. 2658); and

Establishing a sick leave bank for Sara Parmenter, an employee of the Department of Correction (House, No. 4354, amended).

*Matters Taken Out of the Orders of the Day.*

There being no objection, the following matters were taken out of the Orders of the Day and considered as follows:

The House Bill increasing the maximum age to be eligible for appointment as a special police officer in the city of Somerville (House, No. 4085),-- **was read a third time and passed to be engrossed, in concurrence.**

Somerville,-- special police officers.

The House Bill authorizing the appointment of retired police officers as special police officers for paid detail assignments in the city of Cambridge (House, No. 4143) (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.**

Cambridge,-- retired police officers.

The House Bill authorizing the town of Lynnfield to grant 5 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4370),-- **was read a third time and passed to be engrossed, in concurrence.**

Lynnfield,-- liquor licenses.

The Senate Bill establishing the East Bridgewater Town Center Sewer District in the town of East Bridgewater (Senate, No. 2423) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed.**

East Bridgewater,-- sewer district.

**Sent to the House for concurrence.**

*Orders of the Day.*

The Orders of the Day were considered as follows:

**Bills**

Exempting Brian M. Belfiore from civil service maximum age requirements for the position of firefighter in the City of Haverhill (House, No. 4186);

Second reading bills.

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);

Providing a charter for the city of Melrose (House, No. 4464); and

Relative to the recall of elected officials in the town of Carlisle (House, No.

4476);

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

The Senate Bill relative to protecting biometric information under the security breach law (Senate, No. 95),-- was read a second time and ordered to a third reading.

Security breach law.

The rules were suspended, on motion of Mr. Rodrigues, and the bill was read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at twenty-two minutes past two o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 37 – nays 0) **[Yeas and Nays No. 379]:**

**YEAS.**

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

**NAYS – 0.**

**ABSENT OR NOT VOTING.**

O'Connor Ives, Kathleen – 1.

**The yeas and nays having been completed at twenty-seven minutes past two o'clock P.M., the bill was passed to be engrossed.**

**Sent to the House for concurrence.**

The Senate Resolve establishing a special legislative commission on young professionals (Senate, No. 208),-- **was read a second time and was ordered to a third reading. The rules were suspended, on motion of Mr. Montigny, and the bill was read a third time and, after remarks, was passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "Resolve providing for the establishment of a special legislative commission on young professionals".**

Special commission,-  
- young  
professionals.

**Sent to the House for concurrence.**

The Senate Bill relative to the powers and duties of a regional school district (Senate, No. 264),-- **was read a second time and ordered to a third reading. The rules were suspended, on motion of Mr. Montigny, and the bill was read a third time and, after remarks, was passed to be engrossed.**

Regional school  
district,-- duties.



**Sent to the House for concurrence.**

The President in the Chair, the House Bill protecting the rights of custodial and other non-teaching employees of school districts (House, No. 1390),-- **was read a second time and, after remarks, the bill was ordered to a third reading. The rules were suspended, on motion of Mr. Pacheco, and the bill was read a third time and passed to be engrossed, in concurrence.**

School district employees,-- rights.

The Senate Bill relative to solar drying of laundry (Senate, No. 1117),-- **was read a third time and, after remarks, was passed to be engrossed.**  
**Sent to the House for concurrence.**

Laundry,-- solar drying.

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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, amended) (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 re-enacted was determined by a call of the yeas and nays, at six minutes before three o'clock P.M., as follows, to wit (yeas 37 - nays 0) **[Yeas and Nays No. 380]:**

Garden of Peace.

**YEAS.**

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

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

O'Connor Ives, Kathleen — 1.

**The yeas and nays having been completed at three minutes before three**



o'clock P.M., the bill was passed to be re-enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and again laid before the Governor for his approbation.

*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 Randall Scott Sparkas.

Moment of silence.

*Order Adopted.*

On motion of Mr. Cyr,--

*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.

*Adjourn In Memory of Randall Scott Sparkas*

The Senator from Essex, Ms. Lovely, moved that when the Senate adjourns today, it adjourn in memory of Randall Scott Sparkas of Danvers.

Ms. Lovely in the Chair, Randall Scott Sparkas of Danvers passed away on Friday, December 29, 2017. Born in Indiana, Pennsylvannia he was the son of the late George Anthony and Marlene (Diebler) Sparkas.

Randall was raised and schooled in Hawaii and continued his education at Peabody Veterans Memorial High School. He attended San Diego State University for his engineering degree. He was enlisted in the United States Navy for six years.

Randall was employed by the Massachusetts Water Resource Authority for the past 30 years. He was involved in numerous local committees including as a former Danvers Selectman; former chair of the Essex County Selectman Association; chairman of the Danvers Democratic Committee; and member of the River Committee.

He was actively involved in his union work as he started as a union steward for local 1242 and then became Vice President of AFSCME Council 93. At the time of his passing, he was a member of the Danvers Water and Sewer Commissioner and was the auditor for the Board of Directors for the Polish Club of Danvers.

Randall was a proud husband and father who enjoyed spending time with his wife and children, as they were his world. He enjoyed taking family trips, coaching his children's soccer teams, playing with his three dogs, and playing Santa.

A truly devoted man to his strong family values, Randall is survived by his wife, Todi L. Sparkas, as well as their children, Brittany Sparkas-Chapman and her husband Timothy of Peabody, and Taylor Sparkas and her finance Chad Lee of Peabody. He is also survived by his daughter, Jami Norman and her husband, Brad and grandchildren Tyler and Hailey Norman. His also leaves his brother, Kevin Sparkas and wife Cindy of Lynnfield, and his sister, Leslie Sparkas, as well as several nieces and nephews.

The President in the Chair, accordingly, as a mark of respect in memory of Randall Scott Sparkas, at one minute past three o'clock P.M., on motion of Ms. L'Italien, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.

