

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, MARCH 30, 2017.

[30]

JOURNAL OF THE SENATE.

Thursday, March 30, 2017.

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

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

Pledge of allegiance.

Distinguished Guests.

There being no objection, the Chair (Ms. Lovely) introduced, in the rear of the Chamber, Leo Jodoin, the Executive Producer and host of "Salem Now", a local television show. The Senate welcomed him with applause and he withdrew from the Chamber. He was also the guest of Representative Tucker of Salem.

Leo Jodoin.

There being no objection, the Chair (Ms. Lovely) introduced, in the rear of the Chamber, Anton the Great, the Official Magician of Salem for the past 20 years. The Senate welcomed him with applause and he withdrew from the Chamber. He was also the guest of Representative Tucker of Salem.

Anton the Great.

There being no objection, the Chair (Ms. Lovely) handed the gavel to Mr. O'Connor for the purpose of an introduction. Mr. O'Connor then introduced, in the rear of the Chamber, students from Hingham High School and the Tennoji High School Exchange Program visiting from Japan. The foundation of this program was a common interest in baseball, and started in 2014 when an initial group of 30 Japanese student-ball players travelled to Hingham. Then Senate welcomed them with applause and they withdrew from the Chamber.

Hingham High School and Tennoji High School students.

Communications.

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

Communication from the Department of Conservation and Recreation submitting its amended Watershed Protection regulations, promulgated by the Division of Water Supply Protection, as filed with the Secretary of State (received March 28, 2017);

DCR,-- watershed protection regulations. SD2142

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

DPH,-- plans of correction. SD2144

- Dukes County Jail and House of Correction
Berkshire County Jail and House of Correction
Western MA Women's Correctional Center (received March 27, 2017);

Communication from the Department of Public Health (pursuant to Section 2KKKK of Chapter 29 of the General Laws) submitting its report entitled "Medical Marijuana Trust Fund Annual Report" (received March 28, 2017);

DPH,-- MMJ trust fund annual report. SD2146

Communication from the Joint Committee on Children, Families and Persons with Disabilities (under the provisions of Joint Rule 1) relative to the rules of procedure for said committee for the 2017-2018 legislative session (received Tuesday, March 28, 2017);

Committee on Children, Families and Persons with Disabilities.

Communication from the Joint Committee on Consumer Protection and Professional Licensure (under the provisions of Joint Rule 1) relative to the rules of

Committee on Consumer Protection and Professional

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procedure for said committee for the 2017-2018 legislative session (received Wednesday, March 29, 2017);

Communication from the Joint Committee on Economic Development and Emerging Technologies (under the provisions of Joint Rule 1) relative to the rules of procedure for said committee for the 2017-2018 legislative session (received Monday, March 27, 2017);

Communication from the Joint Committee on Elder Affairs (under the provisions of Joint Rule 1) relative to the rules of procedure for said committee for the 2017-2018 legislative session (received Wednesday, March 29, 2017);

Communication from the Joint Committee on Environment, Natural Resources and Agriculture (under the provisions of Joint Rule 1) relative to the rules of procedure for said committee for the 2017-2018 legislative session (received Monday, March 27, 2017);

Communication from the Joint Committee on Export Development (under the provisions of Joint Rule 1) relative to the rules of procedure for said committee for the 2017-2018 legislative session (received Monday, March 27, 2017);

Communication from the Joint Committee on Public Service (under the provisions of Joint Rule 1) relative to the rules of procedure for said committee for the 2017-2018 legislative session (received Monday, March 27, 2017); and

Communication from the Joint Committee on Tourism, Arts and Cultural Development (under the provisions of Joint Rule 1) relative to the rules of procedure for said committee for the 2017-2018 legislative session (received Monday, March 27, 2017).

Licensure.

Committee on Economic Development and Emerging Technologies.

Committee on Elder Affairs.

Committee on Environment, Natural Resources and Agriculture.

Committee on Export Development.

Committee on Public Service.

Committee on Tourism, Arts and Cultural Development.

Reports.

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

Report of the Department of Elementary and Secondary Education (pursuant to line item 7061-9408 of Chapter 133 of the Acts of 2016 and Section 1J(z) of Chapter 69 of the General Laws) submitting its 2015-2016 Intervention and Targeted Assistance report (received March 28, 2017); and

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:

Souza-Baranowski Correctional Center

Northeastern Correctional Center (received March 27, 2017).

DESE,-- targeted assistance report. SD2143

DPH,-- facility inspections. SD2145

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Barrett, a petition (accompanied by bill) (subject to Joint Rule 12) of Michael J. Barrett for legislation to enable taxpayer donations to the Least Developed Countries Fund, an initiative of the U.N. Framework Convention on Climate Change; and

By Mr. Cyr, a petition (accompanied by bill) (subject to Joint Rule 12) of Julian Cyr for legislation to establish a sick leave bank for Sharon J. Nolan, an employee of the Trial Court;

Least Developed Countries Fund,-- taxpayer donations. SD2138

Sharon J. Nolan,-- sick leave. SD2141

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

Reports of a Committee.

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

Leominster,-- unpaid

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Government, on petition, a Bill authorizing the city of Leominster to pay a certain unpaid bill (Senate, No. 1132) [Local approval received]; and

bill.

By the same Senator, for the same committee, on petition, a Bill authorizing the town of Wareham to lease certain land (Senate, No. 1152) [Local approval received];

Wareham,-- land.

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

PAPERS FROM THE HOUSE.

A Bill relative to financing improvements to municipal roads and bridges (House, No. 2783, amended,-- on House, No. 73, in part),-- **was read and, under Joint Rule 1F, referred to the committee on Bonding, Capital Expenditures and State Assets.**

Municipal roads and bridges.

Bills

Establishing a sick leave bank for Lucy A. Martinez, an employee of the Trial Court (House, No. 965,-- on petition); and

Lucy A. Martinez,-- sick leave.

Establishing a sick leave bank for William Motherway, an employee of the Trial Court (House, No. 2792,-- on petition);

William Motherway,-- sick leave.

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

Report of the committee on Education asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2864) of Paul McMurtry and others relative to the use of tobacco products in primary and secondary school buildings or facilities,-- and recommending that the same be referred to the committee on Public Health,-- **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Primary and secondary schools,-- tobacco use.

Resolutions.

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

Resolutions (filed by Ms. Spilka and Mr. Ross) "honoring the Fosberg brothers on the occasion of the dedication of Fosberg Brothers Square in the town of Natick."

Fosberg brothers.

Report of a Committee.

By Mr. Moore, for the committee on Municipalities and Regional Government, on petition, a Bill authorizing the town of Milton to establish a special purpose stabilization fund (Senate, No. 24) [Local approval received].

Milton,-- stabilization fund.

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

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3454) of Aaron Michlewitz, Brian Murray and Julian Cyr for legislation to establish a short term residential rental excise;

Short term residential rental excise.

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

Petition (accompanied by bill, House, No. 3455) of Daniel M. Donahue and Michael O. Moore for legislation to establish a sick leave bank for Brenda May, an employee of the Department of Children and Families; and

Brenda May,--
sick leave.

Petition (accompanied by bill, House, No. 3456) of Rady Mom for legislation to establish a sick leave bank for Angeline Lee, an employee of the Department of Children and Families;

Angeline Lee,--
sick leave.

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

Petition (accompanied by bill, House, No. 3457) of Aaron Michlewitz relative to the composition of the Massachusetts Port Authority Community Advisory Committee;

MassPort
Community Advisory
Committee.

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

Petition (accompanied by bill, House, No. 3458) of Jeffrey N. Roy, Richard J. Ross and Karen E. Spilka (with the approval of the town council) that the commissioner of Capital Asset Management and Maintenance be authorized to lease a certain parcel of land to the city known as the town of Franklin for landfill capping, solid waste transfer station and recycling center purposes;

Franklin,--
land lease.

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

Order Adopted.

On motion of Mr. O'Connor,--

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 Chair (Mr. O'Connor), the members, guests and staff stood in a moment of silence and reflection to the memory of Robert Hayden.

Moment of silence.

Adjourn In Memory of Robert Hayden

Mr. O'Connor in the Chair, Senators O'Connor, L'Italien, Rush, Forry and Boncore moved that when the Senate adjourns today, it adjourn in memory of Robert Hayden.

Robert Hayden, a Hingham resident who dedicated his life to public safety and played a significant role in making Massachusetts a safer place to live, passed away on February 25th at the age of 74 after a courageous battle with cancer. He served the people of the Commonwealth for almost five decades working for three different cities. What Robert was able to achieve from within the police force is remarkable. He forged an illustrious career and legacy that will be highly regarded by Massachusetts police for years to come.

His communities call him a "legendary cop". This colloquial title comes as no surprise. Officer Hayden quickly ascended the ranks, beginning his career in the Boston Police Department as a patrolman in 1966. Following in the footsteps of his father, he became a detective, and eventually rose to become the deputy superintendent of the Boston Police Department. He proved his strength and

tenacity to such an extent that in 1994, he was transferred to become the Lawrence Chief of Police. In his three years serving the people of Lawrence, he transformed the department. By the time he left, the number of arrests was up 700% from where it was when he first began.

He was then asked to lead the Brockton Police Department in 2014. Officer Hayden, at the age of 72 and battling prostate cancer, went back into the force and began working in his third department. In recounting his steps throughout his career, it is truly amazing to see how he could go from city to city, leaving each one a safer and more secure place, as if he knew some secret formula to eradicate criminal activity.

Officer Hayden is not only known for his profound experience and expertise in public safety. Many might know him more for his extraordinary caliber as a human being. He was a 4-time marathon runner and long distance biker. He took his bicycling hobby to new levels, traveling from Boston to Montreal and across the entirety of Ireland. In 2001, he was recognized for his athleticism and appeared on the reality TV series “Lost” in Bolivia. Over the years, he suffered numerous serious injuries that had him in the hospital for months. At 72, I think many of us would have thrown in the towel. But not Officer Hayden. After breaking his nose from a fall during a run down a mountain, his coworkers found him on the job two days later, still bruised and bandaged, without a care for himself, only with the ability to put the wellbeing of others before him every single time. This is one of many events that stand as a testament to Officer Hayden’s grit, his toughness, and his spirit.

He was truly ‘a cop’s cop’. Even as his career led him to grander titles he never lost sight of the importance of everyday interactions with his fellow officers and the public that he served. We in this chamber, and every other public servant in Massachusetts, could learn great things from the trials that Officer Hayden has endured.

Officer Hayden is survived by his four children, nine grandchildren, his sister, and many nieces, nephews, and friends.

Ms. Lovely in the Chair, accordingly, as a mark of respect in memory of the Robert Hayden, at a quarter past eleven o’clock A.M., on motion of Mr. O’Connor, the Senate adjourned to meet again on Monday next at eleven o’clock A.M.