

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, JUNE 7, 2018

[56]

JOURNAL OF THE SENATE.

Thursday, June 7, 2018.

Met at thirteen 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.

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Ms. Gobi for the purpose of an introduction. Ms. Gobi then introduced, in the rear of the Chamber, the 8th grade class from Quaboag Regional Middle-High School. The students were on a field trip to the State House learning about the different aspects of state government. The Senate welcomed them with applause and they withdrew from the Chamber.

Quaboag Regional
Middle-High School.

There being no objection, during consideration of the Orders of the Day, the President introduced, in the rear of the Chamber, Representative Marjorie Decker of Cambridge. Representative Decker was visiting the Senate Chamber in recognition of her work on the ERPO legislation that was being debated today. The Senate welcomed her with applause and she withdrew from the Chamber.

Representative
Marjorie Decker.

Communications.

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

Communications from the Honorable Harriette L. Chandler, President of the Senate, announcing the appointment of Senators Patricia D. Jehlen and Cindy F. Friedman (pursuant to Chapter 177 of the Acts of 2016) to the Special Commission to make an investigation and study of the factors, causes and impact of pay disparity;

Pay disparity
commission.

Communication from the Honorable Harriette L. Chandler, President of the Senate, announcing the appointment of Senator Nick Collins (pursuant to Chapter 298 of the Acts of 2016) to the Special Commission to study the regulation of cutting, welding and other hot work processes; and

Cutting, welding, hot
work processes.

Communication from the Department of Public Health relative to plan of correction for the Suffolk County House of Correction facility (received June 6, 2018).

DPH,-- plan of
correction.
SD2680

Reports.

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

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 third quarter of FY18 (received June 6, 2018);

Early Intervention,--
3rd quarter FY18
report. SD2674

Report of The Property and Casualty Initiative, LLC (pursuant to Section 3 of Chapter 259 of the Acts of 1998) submitting its 2017 annual report (copies having been forwarded as required to the Senate Committees on Ways and Means and the Joint Committees on Financial Services and Revenue) (received May 31, 2018);

PCI,-- 2017 annual
report. SD2675

Report of the Massachusetts Gaming Commission (pursuant to Section 65 of Chapter 23K of the General Laws) submitting its 2017 Annual Gaming Audit report (copies having been forwarded as required to the Senate Committee on Ways and Means) (received June 6, 2018); and

MassGaming,--
annual gaming audit.
SD2678

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.
SD2679

Old Colony Correctional Center
Pondville Correctional Center
Barnstable County Correctional Facility
Dukes County Jail and House of Correction
Boston Pre-Release Center (received June 6, 2018).

Petition.

Mr. Brady presented a petition (accompanied by bill) (subject to Joint Rule 12) of Michael D. Brady for legislation to establish a sick leave bank for Jane M. Baker, an employee of the Department of Developmental Services;

Jane M. Baker,-- sick
leave.
SD2677

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

Report of a Committee.

By Ms. Gobi, for the committee on Election Laws, on petition, a Bill adding a fifth member to the Board of Elections Commission in the City of Everett (Senate, No. 2515) [Local approval received];

Everett,-- Board of
Elections
Commission.

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. 4574) of Paul J. Donato, Jason M. Lewis and Steven Ultrino (with the approval of the mayor and city council) that the city of Malden be authorized to continue to employ and compensate Barbara O'Brien,-- **was referred, in concurrence, to the committee on Public Service.**

Malden,-- Barbara
O'Brien.

Bills

Authorizing the Department of Fish and Game to acquire land of the town of Dalton (House, No. 4301, changed,-- on petition);

Dalton,-- land
acquisition.

Relative to a Medford Residential Development Easement (House, No. 4373, changed and amended,-- on petition); and

Medford,-- easement.

Regulating appraisal management companies (House, No. 4566, amended,-- on House, No. 577);

Appraisal
management
companies.

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

Resolutions.

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

Resolutions (filed by Mr. Hinds) "commending the town of Shelburne on the occasion of the two hundred and fiftieth anniversary of its incorporation";

Town of Shelburne.

Resolutions (filed by Mr. Hinds) “commending the town of Worthington on the occasion of the two hundred and fiftieth anniversary of its incorporation”;

Town of
Worthington.

Resolutions (filed by Mr. Humason) “honoring Betty Medina Litchenstein as the recipient of the Annual Service Award from the Greater Holyoke Council on Understanding”;

Betty Medina
Litchenstein.

Resolutions (filed by Mr. O’Connor) “congratulating Bret Bilyou on his elevation to the rank of Eagle Scout”; and

Bret Bilyou.

Resolutions (filed by Mr. O’Connor) “congratulating Aidan Pierce on his elevation to the rank of Eagle Scout.”

Aidan Pierce.

Message from His Excellency the Governor.

A Message from His Excellency the Governor recommending legislation relative to child predators (Senate, No. 2544) (received in the office of the Clerk of the Senate on Wednesday, June 6, 2017 at a quarter before two o’clock P.M.).

Child predators.

The message was read; and, under Senate Rule 20, with the accompanying bill, was referred to the committee on the Judiciary.

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

The Senate Bill to promote and enhance civic engagement (Senate, No. 2375),-- came from the House passed to be engrossed, in concurrence, *with an amendment* striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4545, amended in section 1, in line 12, by inserting after the word “fund” the words “may focus on underserved communities across the commonwealth, including those school districts with high concentrations of economically disadvantaged students, and”; and in section 2, in line 61, by inserting after the word “section.”, the following sentence “All school improvement plans for middle and high schools shall include a description of the status of said civic projects.”

Civic engagement.

Mr. Tran moved that the Senate NON-concur in the House amendments and ask for a committee of conference on the disagreeing votes of the two branches.

Senators Chang-Diaz, Friedman and Tran were appointed to the committee on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Reports of Committees.

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Richard J. Ross and Shawn Dooley for legislation to establish a sick leave bank for Pamela Lopez, an employee of the Department of Developmental Services.

Pamela Lopez,-- sick
leave.
SD2668

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

Sent to the House for 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 designating the boardwalk at Heritage State Park in the city of Fall River as the Robert Correia Boardwalk (House, No. 4166, amended).

Robert Correia
Boardwalk.

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

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill authorizing the towns of Andover and North Reading to enter into an agreement for the supply of potable water (see House, No. 4552) (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 President and laid before the Governor for his approbation.**

Bill laid before the Governor.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered as follows:

The House Bill relative to the ownership and occupancy deadline for residential property exemptions in the city of Boston (House, No. 4073),-- **was read a third time and passed to be engrossed, in concurrence.**

Boston,-- property exemption.

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Authorizing the city of Northampton to release a certain conservation easement (Senate, No. 2512);

Allowing Everett City Council to set the salary for the Clerk of the City Council (Senate, No. 2514);

Amending the charter of the City of Everett (Senate, No. 2516);

Establishing a solid waste and recycling capital improvement fund for the town of Dennis (House, No. 3898, amended).

Establishing a waterways capital improvement fund for the town of Dennis (House, No. 3899, amended);

Authorizing the city of Newburyport to hold a special election for the purpose of accepting the terms of Clause Forty-First C1/2 of Section 5 of the General Laws (House, No. 4249); and

Authorizing the town of Holliston to convert a license for the sale of wine and malt beverages not to be drunk on the premises to a license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4431);

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

Second reading bills.

At twenty-seven minutes past eleven o'clock A.M, Ms. Creem doubted the presence of a quorum. The President, 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 twenty-four minutes before twelve o'clock noon, a quorum was declared present.

The House Bill relative to firearms (House, No. 4539),-- was read a second time.

Firearms.

After remarks, and pending the question on ordering the bill to a third reading,

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Messrs. Keenan and Ross moved that the bill be amended by inserting in line 97, after the proposed subsection (e), the following subsection:-

“(f) upon receipt of a petition under this section, if the petitioner is a family or household member as defined in section 121, the clerk of the court shall provide to the petitioner informational resources about crisis intervention, mental health, substance use disorders and counseling services, and about the process to apply for a temporary commitment under section 12 of chapter 123.”

After remarks, the amendment was adopted.

Mr. Tarr and Ms. Friedman moved that the bill be amended in said section 12, by striking out, in line 148, the words “within twenty-four hours of granting said order”.

After remarks, the amendment was adopted.

Ms. O'Connor Ives moved that the bill be amended in section (i), in line 192 by striking out the word “confirming” and inserting in place thereof the following:- “the licensing authority of the municipality where the respondent resides, confirms”.

After remarks, the amendment was adopted.

Messrs. Fattman and Ross moved that the bill be amended in section 12, by striking out, in line 110, the words “a preponderance of the” and inserting in place thereof the following words:- “clear and convincing”.

The amendment was *rejected*.

Messrs. Tarr and Humason moved that the bill be amended by striking in line 152 the following word:- “ownership”.

After remarks, the amendment was adopted.

Mr. Humason moved that the bill be amended in section 12, by striking out, in line 157, the words “180 days” and inserting in place thereof the following words:- “360 days”; and by striking out, in line 222, the words “180 days” and inserting in place thereof the following words:- “360 days”.

The amendment was *rejected*.

Mr. Tran moved that the bill be amended by inserting after the proposed subsection (e), the following subsection:-

“(f) The court shall notify the respondent of the respondent’s right to retain counsel to represent the respondent at the hearing on the petition conducted pursuant to section 131S.”

After remarks, the amendment was adopted.

Messrs. Brownsberger and Tarr moved that the bill be amended by striking sections 3 and 11 and by adding the following section:-

“SECTION X. Section 131J of Chapter 140 is hereby deleted in its entirety and replaced with the following:

(a) No person shall possess, purchase, carry, transfer, or otherwise utilize for defensive purposes a stun gun as defined in section 121 of this chapter, unless that person is at least twenty one years of age and has been issued a firearms identification card pursuant to section 129B of chapter 140 or a license to carry firearms pursuant to section 131 of chapter 140.

(b) Whoever violates subsection (a) shall be punished by a fine of not less than \$500 nor more than \$1,000 or by imprisonment in the house of correction for not more than 2 1/2 years, or by both such fine and imprisonment. A law enforcement officer may arrest without a warrant any person whom he has probable cause to believe has violated this section.

(c) Whoever, not being licensed as provided in section 122B of this chapter, sells a stun gun shall be punished by a fine of not more than \$1,000 or by

imprisonment in a house of correction for not more than 2 years.

(d) Whoever sells a stun gun to a person younger than 21 years of age shall have the license to sell firearms, rifles, shotguns, machine guns or ammunition revoked and shall not be entitled to apply for such license for 10 years from the date of such revocation and shall be punished by a fine of not less than \$1,000 nor more than \$10,000, or by imprisonment in a state prison for not more than 10 years or by imprisonment in a house of correction for not more than 2 1/2 years or by both such fine and imprisonment.

(f) The following shall be exempt from subsections (b) and (c):

(i) a federal, state, municipal, or university law enforcement officer, or member of a special reaction team in a state prison or designated special operations or tactical team in a county correctional facility, acting in the discharge of the officer or member's official duties who has completed a training course approved by the secretary of public safety in the use of such a stun gun;

(ii) Federally licensed firearms manufacturers or wholesale dealers, or persons employed by them or by licensed dealers, or on their behalf, when possession of stun guns is necessary for manufacture, display, storage, transport, installation, inspection or testing;

(iii) a licensed supplier of such stun guns, if possession of the stun gun is necessary to the supply or sale of the stun gun within the scope of such sale or supply enterprise.

(iv) a person voluntarily surrendering a stun gun therefor to a licensing authority, the colonel of the state police or his designee if prior written notice has been given by said person to the licensing authority or the colonel of the state police, stating the place and approximate time of said surrender;

(v) The regular and ordinary transport of stun guns as merchandise by any common carrier;

(vi) Possession of stun guns therefor by nonresidents traveling in or through the commonwealth, providing that any stun guns are enclosed in a locked case;

(vii) Any resident of the commonwealth returning after having been absent from the commonwealth for not less than 180 consecutive days or any new resident moving into the commonwealth, with respect to any stun gun therefor then in his possession, for 60 days after such return or entry into the commonwealth;

(viii) The possession or utilization of any stun gun during the course of any television, movie, stage or other similar theatrical production, or by a professional photographer or writer for examination purposes in the pursuit of his profession, providing such possession or utilization is under the immediate supervision of a holder of a firearm identification card or a license to carry firearms;

(ix) The temporary holding, handling, or firing of a stun gun for examination, trial, or instruction in the presence of a holder of a license to carry firearms, or the temporary holding, handling, or firing of a stun gun for examination, trial, or instruction in the presence of a holder of a firearm identification card, or where such holding, handling, or firing is for a lawful purpose;

(x) The transfer of a stun gun upon the death of an owner to his heir or legatee shall be subject to the provisions of this section, provided that said heir or legatee shall within 180 days of such transfer, obtain a firearm identification card or a license to carry firearms if not otherwise an exempt person who is qualified to receive such or apply to the licensing authority for such further limited period as may be necessary for the disposition of such stun gun;

(g) Any person who, while not being within the limits of his own property or residence, or such person whose property or residence is under lawful search, and

who is not exempt under this section, shall on demand of a police officer or other law enforcement officer, exhibit his license to carry firearms, or his firearm identification card or receipt for fee paid for such card. Upon failure to do so such person may be required to surrender to such officer said stun gun which shall be taken into custody as under the provisions of section 129D, except that such stun gun shall be returned forthwith upon presentation within 30 days of said license to carry firearms, firearm identification card or receipt for fee paid for such card as hereinbefore described. Any person subject to the conditions of this paragraph may, even though no stun gun was surrendered, be required to produce within thirty days said license to carry firearms, firearm identification card or receipt for fee paid for such card, failing which the conditions of section 129D will apply. Nothing in this section shall prevent any person from being prosecuted for any violation of this chapter.

(h) Any person who is required to surrender such person's firearms identification card, license to carry, firearms, rifles or shotguns, either by order of a court or by operation of law, shall simultaneously surrender any stun gun in the same manner as such other weapons are surrendered.

(i) The secretary of public safety shall adopt regulations governing storage of devices or weapons under this section and law enforcement training on the appropriate use of devices or weapons issued under this section.”;

By adding in line 43 the words “regardless of whether it passes an electrical shock by means of a dart or projectile via a wire lead,” after the words “a portable device or weapon,”; and

By adding in line 44 after the term “incapacitate” the words “temporarily, injure or kill”.

After remarks, the amendment was adopted.

Mr. Tran moved that the bill be amended in section 12, in proposed section 131Z, by striking out clause (8) and inserting in place thereof the following 3 clauses:-

“(8) The data on the duration of extreme risk protection orders;

(9) The number of instances in which an order has been terminated or otherwise modified prior to its original expiration date; and

(10) The number of instances in which a fine has been assessed for a filed petition that was deemed to be fraudulent.”

After remarks, the amendment was adopted.

Mr. Tarr moved that the bill be amended by inserting the following section after the word “petition” in line 82:-

“(vi) identify whether the petitioner has a history of harassing the respondent.”

The amendment was *rejected*.

Messrs. Keenan and Welch moved that the bill be amended by striking the words “may, in its discretion, trade or dispose of surplus, donated, abandoned or junk firearms, rifles, shotguns, machine guns, weapons or ammunition to properly licensed distributors or firearms dealers and the proceeds of such sale or transfer shall be remitted or credited to the municipality in which the licensing authority presides to be used for violence reduction or suicide prevention” in lines 158 through 162 and inserting in place thereof the words:- “shall dispose of said firearms, rifles, shotguns, machine guns, weapons or ammunition by destroying or arranging for the destruction of the items at the earliest opportunity, and pursuant to regulations promulgated by the executive office of public safety”; and by striking the words “pursuant to section 129D” in line 224 and inserting in place thereof the words:- “by destroying or arranging for the destruction of the items at the earliest opportunity,

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and pursuant to regulations promulgated by the executive office of public safety”.

The amendment was *rejected*.

Mr. Brownsberger moved that the bill be amended in section 12, by striking in lines 260-263, the words “a report containing the respondent's name and identifying information, a statement describing the respondent's alleged conduct and relationship to the petitioner and an explanation that the order is no longer current or valid” and inserting in place thereof the following words:- “transmit the petition, summons, and a copy of the order and written findings”.

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After remarks, the amendment was adopted.

Messrs. Tarr and Ross moved that the bill be amended by striking out section 131V in line 269 and inserting in place thereof the following:-

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“Section 131V. Any person who files a petition for an extreme risk protection order and knowingly provides false evidence, or files a petition with the intent to harass the respondent shall be subject to a harassment prevention order pursuant to chapter 258E. Said person shall also be held responsible for any court costs and reasonable expenses incurred by the respondent in their defense. Said person shall also be punished by a fine of no more than \$10,000 or by imprisonment for no more than 5 years or both.”

After remarks, the amendment was *rejected*.

Messrs. Tarr and Ross moved that the bill be amended by inserting in line 138 after the word “section” the following:- “The department of mental health shall develop materials concerning state and community resources of crisis intervention, mental health, substance abuse, interpreter, counseling, and other relevant resources serving the county in which the court is located. The department shall provide these materials to the courts who shall make these materials and resources available as part of or in addition to the informational brochures described in this section.”

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After remarks, the amendment was adopted.

Recess.

There being no objection, at a twenty-nine minutes past twelve o'clock noon, at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess subject to the call of the Chair; and, at eleven minutes past one o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

Communication.

The Clerk read the following communication:

MASSACHUSETTS SENATE

June 7, 2018

Mr. William F. Welch
Clerk of the Senate
Room 335, State House
Boston, MA 02133

Senator Sonia Chang-Diaz,—absence from Chamber.

Dear Mr. Clerk:

On Thursday, May 31, 2018, I was absent from the Chamber due to a previously scheduled family commitment. Therefore, I was unable to be present for Roll Call

#411, on the adoption of Amendment 6 to Senate bill 2531, and Roll Call #412, on passing Senate bill 2531 to be engrossed. Had I been present, I would have voted as follows:

Roll Call No. #411: in the affirmative
Roll Call No. #412: in the negative

I respectfully request that this letter be printed in the Senate Journal as part of the official record. Thank you for your assistance in this matter.

Saludos,
SONIA CHANG-DIAZ
Second Suffolk District

On motion of Mr. Ross, the above communication was ordered printed in the Journal of the Senate.

Ordered printed.

Report of a Committee.

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 State Administration and Regulatory Oversight, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 2318) of James B. Eldridge, Barbara A. L'Italien, David M. Rogers, Diana DiZoglio and other members of the General Court for legislation to promote health, safety and well-being in the legislature.

Legislature,--
workplace
harassment.

There being no objection, the rules were suspended, on motion of Mr. Ross, and the matter was considered forthwith.

On motion of Mr. Eldridge, the bill was substituted for the report of the committee.

The bill (Senate, No. 2318) was read and, under Senate Rule 27, referred to the committee on Ways and Means.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill relative to firearms (House, No. 4539),-- was further considered, the main question being on ordering the bill to a third reading.

Firearms.

Mr. Keenan moved that the bill be amended by inserting after the word "petition" in line 113 the following words:- " ; provided, that the petition has been duly filed with complete information and the court finds that the petitioner meets the evidentiary standard established herein".

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Pending the question on adoption of the amendment, Messrs. Tarr and Keenan moved that the pending amendment (Keenan) be amended by striking the underlying amendment in its entirety and inserting in place thereof the following:- in section 12, by inserting after the word "petition", in line 113, the following words:- "upon a determination that the petitioner has demonstrated by a preponderance of the evidence that the respondent poses such a risk".

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After remarks, the further amendment was adopted.

The question on adoption of the amendment (Keenan), as amended (Tarr-Keenan), was determined by a call of the yeas and nays at twenty-six minutes before two o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 38 – nays 0) [**Yeas**

and Nays No. 413]:

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	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. – 38.

NAYS – 0.

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

Mr. Tarr moved that the bill be amended in said section 12, in proposed section 131X of chapter 140 of the General Laws, by inserting after subsection (a) the following subsection:-

“(a½) Nothing in sections 131R to 131X, inclusive, shall supersede or limit a licensing authority’s ability to suspend or revoke a license that the licensing authority has issued pursuant to other lawful authority.”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at fourteen minutes before two o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 38 – nays 0) **[Yeas and Nays No. 414]:**

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	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.

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Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.

Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 38.

NAYS – 0.

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

Messrs. Tarr, Humason and Ross moved that the bill be amended by inserting after section 8 the following:-

“SECTION 9: Section 129D of Chapter 140 shall be amended by inserting after the word ‘section’ in the fourth paragraph the following:-

Notwithstanding any general or special law to the contrary, the lawful owner of any firearms, rifles, shotguns, machine guns, weapons or ammunition surrendered pursuant to this chapter that are temporarily stored, either voluntarily or involuntarily, with a private business, including but not limited to a licensed retailer under section 123, gunsmith, or a bonded warehouse under section 129D shall be entitled to the return of their property.

If the firearms, rifles, shotguns, machine guns, weapons or ammunition of a respondent were transferred to and stored by a private business as noted in subsection (a) without the express written consent of the respondent, then no fees shall be charged for the return of the firearms, rifles, shotguns, machine guns, weapons or ammunition.

If the firearms, rifles, shotguns, machine guns, weapons or ammunition of a respondent are being transferred involuntarily or through court action, no fees can be incurred except with written permission or consent of the respondent and only after their rights have been explained to them under section 129D of chapter 140 explaining their rights of transfer and storage of said property.”

After remarks, the amendment was *rejected*.

Messrs. Tarr and Ross moved that the bill be amended by inserting in line 110 after the letter “a” the following:- “present or foreseeable”.

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the bill be amended by inserting in line 35 after the word “resides” the following:- “or a health care provider”; and by inserting in line 284 after the word “no” the following words:- “health care provider,”.

After remarks, the amendment was *rejected*.

Ms. Gobi moved that the bill be amended by adding the following section:-

“SECTION XX. Section 129D of Chapter 140 is hereby amended by inserting after the word ‘section’ in the fourth paragraph the following:-

Notwithstanding any general or special law to the contrary, the lawful owner of any firearms, rifles, shotguns, machine guns, weapons or ammunition surrendered pursuant to this chapter that are temporarily stored, either voluntarily or involuntarily, with a private business, including but not limited to a licensed retailer under section 123, gunsmith, or a bonded warehouse under section 129D shall be entitled to the return of their property.

If the firearms, rifles, shotguns, machine guns, weapons or ammunition of a respondent were transferred to and stored by a private business as noted in subsection (a) without the express written consent of the respondent, then no fees shall be charged for the return of the firearms, rifles, shotguns, machine guns, weapons or ammunition.

If the firearms, rifles, shotguns, machine guns, weapons or ammunition of a respondent are being transferred involuntarily or through court action, no fees can

be incurred except with written permission or consent of the respondent and only after their rights have been explained to them under section 129D of chapter 140 explaining their rights of transfer and storage of said property.”

The amendment was *rejected*.

Messrs. Tarr and Ross moved that the bill be amended by inserting in line 119 after the word “party” the following words:- “provided that due notice is given to the respondent and petitioner, and the court holds a hearing on said motion”.

Pending the question on adoption of the amendment, Mr. Humason moved that the pending amendment (Tarr-Ross) be amended by inserting at the end thereof the following:- and further, by inserting, in line 118, after the word “modify” the following words:- “suspend, or terminate”.

After remarks, the further amendment was adopted.

The pending amendment (Tarr-Ross), as amended (Humason), was then adopted.

Mr. Tarr moved that the bill be amended by inserting after clause (v) in line 82 the following: - “(vi) identify the conditions or circumstances which qualifies the petitioner as a family or household member with sufficient knowledge about the respondent.”

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the bill be amended by inserting in line 112 after the words “weapon or ammunition,” the following:- “The court may hear from a medical or mental health expert to assist in their determination. The expert may give an opinion whether the respondent poses a risk of causing bodily injury to self or others based on the information available without the need to examine the respondent but may examine the respondent with the respondent’s consent and give an opinion based on the facts elicited and the information available. The refusal of the respondent to consent to such examination shall not be considered in the court’s determination.”

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended by inserting in line 109 after (c) the following:- “the court during the hearing shall inform the petitioner and respondent of the ability for the petitioner to seek a hearing as established under section 12 of chapter 123”.

After remarks, the amendment was *rejected*.

Recess.

There being no objection, at a three minutes past two o’clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess subject to the call of the Chair; and, at a half past two o’clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill relative to firearms (House, No. 4539),-- was further considered, the main question being on ordering the bill to a third reading.

Messrs. Keenan and Welch moved that the bill be amended by striking lines 298 through 308 in their entirety, and inserting in place thereof the words:-

“(1) The number of extreme risk protective order petitions filed;

(2) The number of extreme risk protective order petitions that lead to a respondent’s forfeiture subject to Section 131X;

(3) The number of extreme risk protective order petitions that are heard but not

granted;

- (4) The number of emergency extreme risk protective order petitions filed;
- (5) The number of emergency extreme risk protective order petitions that lead to a respondent's forfeiture subject to Section 131X;
- (6) The number of emergency extreme risk protective order petitions that are heard but not granted;
- (7) The number of extreme risk protective order or emergency extreme risk protective order petitions filed that are deemed to be fraudulent;
- (8) The race and ethnicity of the petitioner and respondent;
- (9) The gender and gender identity of the petitioner and respondent;
- (10) The data on the duration of extreme risk protection orders."

The amendment was adopted.

Mr. Keenan moved that the bill be amended by striking the words "a risk" in line 228 and in line 236, and inserting in place thereof, in each instance, the words:- "an imminent risk".

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The amendment was *rejected*.

Ms. Chang-Diaz moved that the bill be amended by inserting at the end thereof the following new sections:-

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"SECTION 15. Section 123 of Chapter 140 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the word 'device', in line 520, the following two sentences:-

No person licensed under section 122 or section 122B shall sell or otherwise transfer to any person more than 15 firearms during any 1 year period, except by devise or trust. Sales or transfers that occur at any time during such year, whether the sales or transfers amount to more than 15 in the course of a single transaction or amount to more than 15 sales or transfers in the aggregate during the course of a year, shall constitute a violation of this section.

SECTION 16. The secretary of public safety and security shall study the feasibility of the establishment of an interstate commission for the purpose of developing and promoting the adoption of an interstate compact to encourage the adoption of uniform procedures to combat illegal gun trafficking between states. The report of such study and any recommended legislation or regulations shall be filed with the joint committee on public safety not later than six months from the passage of this act. Such report shall include but not be limited to, the steps necessary to form such an interstate commission.

SECTION 17. Said Chapter 140 is hereby further amended by inserting after section 128B, the following section:-

Section 128C. Whoever being licensed under section 122 and who purchases or otherwise accepts and keeps within the commonwealth for any period of time more than 15 firearms during any 1 year period shall be punished by not more than 5 years in state prison and the licensing authority shall suspend any license or identification card issued under this chapter to such person for a period not to exceed 3 years. This section shall not apply to firearms bequeathed through trust or devise.

SECTION 18. Said Chapter 140 is hereby further amended by inserting after section 129C the following section:-

Section 129C 1/2. Any person or entity that inherits a firearm, rifle or shotgun by trust or devise, may sell, transfer or deliver such weapon to a licensed dealer or to another person if the transferee is legally permitted to purchase or take possession of such weapon or, within 180 days of receiving such weapon through trust or devise, the recipient thereof shall obtain the relevant firearms identification card or license to carry. Whoever violates this section shall be punished by a fine of not less than

\$1,000 nor more than \$10,000.

SECTION 19. Section 10 of Chapter 269 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the words ‘(1) being present in or on his residence or place of business; or’.”

The amendment was *rejected*.

Mr. Welch, Ms. L'Italien and Messrs. Humason and Tarr moved that the bill be amended by inserting at the end thereof the following section:-

“SECTION XYZ. Notwithstanding any general or special law to the contrary, no teacher in any public or private educational institution, shall be required, as a condition of employment, to carry or be licensed to carry any firearms.”

The amendment was *rejected*.

Ms. Creem moved that the bill be amended by striking out section 1A and inserting in place thereof the following section:-

“SECTION 1A. Said section 121 of said chapter 140 is hereby further amended by adding the following paragraph:-

As used in sections 131R to 131X, inclusive, the word ‘court’ shall, unless the context clearly requires otherwise, mean the division of the district court department or the Boston municipal court department of the trial court having jurisdiction in the city or town in which the respondent resides.”;

In section 12, by inserting after the word “order”, in line 118, the first time it appears, the following words:- “within 24 hours of granting the order”;

In said section 12, by striking out, in line 134, the word “abuse” and inserting in place thereof the following words:- “use disorders”;

In said section 12, by inserting after the word “their”, in line 147, the following words:- “control, ownership or”; and

In said section 12, in the proposed second paragraph of subsection (a) of section 131T of chapter 140 of the General Laws, by adding the following sentence:-

“An order issued under this subsection shall expire 10 days after its issuance or upon a hearing held pursuant to subsection (a) or (b) of section 131S, whichever is sooner.”

The amendment was adopted.

After remarks, the bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendments [For text of Senate amendment, printed as amended, see Senate, No. 2549].

PAPERS FROM THE HOUSE

Engrossed Bills — State Loans.

An engrossed Bill providing continued investment in the life sciences industry in the Commonwealth (see House No. 4501, amended) (which originated in the House), 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 borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, after remarks, the question on passing it to be enacted was determined by a call of the yeas and nays, at three o'clock P.M., as follows to wit (yeas 33 - nays 5) [Yeas and Nays No. 415]:

Life sciences.

YEAS.

Barrett, Michael J.

Keenan, John F.

Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Collins, Nick
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.

Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
Moore, Michael O.
O'Connor, Patrick M.
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. – 33.

NAYS.

Chang-Diaz, Sonia
Eldridge, James B.
Jehlen, Patricia D.

Montigny, Mark C.
O'Connor Ives, Kathleen – 5.

The yeas and nays having been completed at two minutes past three o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

An engrossed Bill providing for capital facility repairs and improvements for the Commonwealth (see House No. 4549) (which originated in the House), 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 borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, after remarks, the question on passing it to be enacted was determined by a call of the yeas and nays, at six minutes past three o'clock P.M., as follows to wit (yeas 38 - nays 0) **[Yeas and Nays No. 416]:**

Capital facilities.

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.

Jehlen, Patricia D.
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
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Spilka, Karen E.

Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.

Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 38.

NAYS – 0.

The yeas and nays having been completed at nine minutes past three o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Reports of a Committee.

Mr. Rodrigues in the Chair, by Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to surplus lines insurance premiums (Senate, No. 2238),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2547).

Insurance premiums,-
- surplus lines.

There being no objection, 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 (Senate, No. 2547) was then ordered to a third reading, read a third time and, after remarks, passed to be engrossed.

Sent to the House for concurrence.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to 2030 and 2040 emissions benchmarks (Senate, No. 479) (the committee on Global Warming and Climate Control having recommended that the bill be amended by substituting a new draft entitled "An Act to promote a clean energy future" (Senate, No. 2302),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2545).

Clean energy.

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 relative to 2030 and 2040 emissions benchmarks (Senate, No. 479) (the committee on Global Warming and Climate Control having recommended that the bill be amended by substituting a new draft entitled "An Act to promote a clean energy future", Senate, No. 2302) (the committee on Ways and Means having recommended that the bill ought to pass, with an amendment, substituting a new draft, Senate, No. 2545) shall be placed in the Orders of the Day for a second reading on Thursday, June 14, 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, June 11, 2018. All such amendments shall be second-reading amendments to the proposed Ways and Means new draft (Senate, No. 2545), 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. Brownsberger, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, June 14, 2018, for a second reading with the amendment pending.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill to prevent wage theft and promote employer accountability (Senate, No. 2327),-- same ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2546).

Wage theft.

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That, notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill to prevent wage theft and promote employer accountability (Senate, No. 2327) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2546) shall be placed in the Orders of the Day for a second reading on Thursday, June 14, 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, June 11, 2018. All such amendments shall be second-reading amendments to Senate, No. 2546, 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. Brady, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, June 14, 2018, for a second reading with the amendment pending.

Report of Committees.

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Marc R. Pacheco and Susan Williams Gifford for legislation to establish a sick leave bank for Norma Jean Silva, an employee of the Trial Court.

Norma Jean Silva,--
sick leave.
SD2670

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

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

UNCORRECTED PROOF.

A petition (accompanied by bill, House, No. 4583) of Paul Brodeur for legislation to establish a sick leave bank for Robert F. Dunphy, Jr., an employee of the Trial Court,-- **was referred in concurrence, under suspension of Joint Rule 12, to the committee on the Judiciary.**

Robert F. Dunphy,
Jr.,-- sick leave.

Order Adopted.

On motion of Mr. Humason,--

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.

On motion of the Mr. Eldridge, at nineteen minutes before four o'clock P.M, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.