

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**MONDAY, JUNE 25, 2018**

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## JOURNAL OF THE SENATE.

Monday, June 25, 2018.

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

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The President, 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 President introduced, on the Rostrum, Harvard's Assistant Wrestling Coach Muzaffar "Muz" Abdurakhmanov. Coach Abdurakhmanov was recognized for his tireless efforts in mentoring athletes from all across Massachusetts on the "Muz Trained" Wrestling Team. The Senate welcomed him with applause, he was presented with a Senate Citation, and he withdrew from the Chamber. He was accompanied by the Senate President's husband Burton, son Frank, daughter-in-law Suzanne and grandchildren Eva and Nate.

Coach Muzaffar  
Abdurakhmanov.

### *Communications.*

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

Communication from the Honorable Harriette L. Chandler, President of the Senate, announcing the appointment of Senator Brendan P. Crighton (pursuant to Chapter 254 of the Acts of 2012) to serve as co-chair of the afterschool and out-of-school time coordinating council (received June 25, 2018); and

Communication from the Office of the Comptroller (pursuant to Section 2E of Chapter 47 of the Acts of 2017) submitting a fiscal year 2018 revised transfer schedule for the following account: 1595-1068 Medical Assistance Trust Fund (received June 22, 2018).

Comptroller,--  
revised transfer  
schedule  
SD2698

### *Report.*

Report of the Executive Office of Public Safety and Security (pursuant to Section 131Q of Chapter 140 of the General Laws) submitting its Recovery of Crime Guns in Massachusetts 2016-2017 Report (received June 21, 2018),-- **was placed on file.**

EOPSS,-- crime gun  
report.  
SD2697

### *Petition.*

Mr. O'Connor presented a petition (accompanied by bill) (subject to Joint Rule 12) of Patrick M. O'Connor and Joan Meschino for legislation to authorize the commissioner of capital asset management and maintenance and the town of Hingham to grant certain easements upon certain land located in the town of Hingham;

Hingham,-- land.  
SD2696

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

*Reports of Committees.*

By Mr. Keenan, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate Bills

Authorizing the Department of Fish and Game to acquire a conservation restriction on land of the town of Groveland (Senate, No. 2319);

Relative to an easement plan for the Milton Inline Inspection Project (Senate, No. 2369); and

Releasing certain land in Berkley from the operation of an agricultural preservation restriction (Senate, No. 2395);

**Severally ought to pass;**

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

Mr. Montigny, for the committee on Rules, to whom was referred the Senate Order relative to authorizing the joint committee on the Transportation to make an investigation and study of certain current Senate documents relative to transportation matters (Senate, No. 2358), reported, in part, a "Bill further strengthening public safety by reducing unlicensed, uninsured driving by OUI offenders" (Senate, No. 2006);

**The bill was 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 regarding Huntington's Disease Awareness Month (Senate, No. 1713);

By the same Senator, for the same committee, on petition, Resolutions recognizing February 26 through March 4, 2017 as Eating Disorders Awareness Week in the Commonwealth of Massachusetts (Senate, No. 1760);

By the same Senator, for the same committee, on petition, a Bill designating the first Wednesday in May as State Parks Day (Senate, No. 1761);

By the same Senator, for the same committee, on petition, a Bill relative to the official amphibian of the Commonwealth (Senate, No. 2089); and

By the same Senator, for the same committee, on petition, a Bill commemorating first landing day (Senate, No. 2205);

**Severally read and, under Senate Rule 26, referred to the committee on Rules.**

The following reports were placed in the Orders of the Day, the time within which the said committees were required to report having expired:

Of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, Senate, No. 146) of Marc R. Pacheco and Michael D. Brady for legislation to further regulate business practices between motor vehicle dealers, manufacturers, and distributors;

Of the committee on Public Service, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, Senate, No. 2272) of Patrick M. O'Connor for legislation to establish an early retirement incentive for Charles Mark Brown;

Of the committee on Public Safety and Homeland Security, ought NOT to pass Under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 1903) of Michael D. Brady, Michelle M. DuBois, Viriato M. deMacedo, Elizabeth A. Poirier

Groveland,-- land.

Milton Inline  
Inspection Project.

Berkley,-- land.

Public safety,-- OUI  
offenders.

Huntington's  
Disease,-- awareness  
month.

Eating Disorders  
Awareness Week.

MA State Parks Day.

Official amphibian,--  
designate.

First Landing Day.

Motor vehicle  
dealers,-- business  
practices.

Charles Mark  
Brown,-- retirement.

Child passenger,--  
safety.

and other members of the General Court for legislation to enhance child passenger safety; and

Of the committee on Telecommunications, Utilities and Energy, ought NOT to pass (under Joint Rule 10):

On the petition (accompanied by bill, Senate, No. 1831) of Sonia Chang-Diaz, Carmine L. Gentile, Jack Lewis, James B. Eldridge and other members of the General Court for legislation relative to solar power in environmental justice and urban communities

Solar power,-- urban communities.

On the petition (accompanied by bill, Senate, No. 1832) of Cynthia S. Creem, Carmine L. Gentile, Jay R. Kaufman, Marjorie C. Decker and other members of the General Court for legislation to increase container recycling in the Commonwealth;

Container recycling.

On the petition (accompanied by bill, Senate, No. 1834) of Julian Cyr, Marc R. Pacheco, Sarah K. Peake, John W. Scibak and other members of the General Court for legislation to empower communities to transition to renewable energy;

Renewable energy,-- community empowerment.

On the petition (accompanied by bill, Senate, No. 1836) of Julian Cyr, Timothy R. Whelan, Sarah K. Peake, Denise Provost and other members of the General Court for legislation relative to responsible emergency planning at nuclear power plants;

Nuclear power plants,-- emergency planning.

On the petition (accompanied by bill, Senate, No. 1837) of Viriato M. deMacedo, Sarah K. Peake, Mathew Muratore, James M. Cantwell and other members of the General Court for legislation relative to the prompt decommissioning of nuclear power stations;

Nuclear power stations,-- decommissioning.

On the petition (accompanied by bill, Senate, No. 1855) of Patricia D. Jehlen, Kenneth I. Gordon, Carmine L. Gentile, Denise Provost and other members of the General Court for legislation to protect ratepayers from gas pipeline expansion costs;

Gas pipeline expansion,-- costs.

On the petition (accompanied by bill, Senate, No. 2206) (subject to Joint Rule 12) of Julian Cyr, Sarah K. Peake, Carmine L. Gentile, William L. Crocker, Jr. and other members of the General Court for legislation relative to improving oversight of the closure of Pilgrim Nuclear Power Station.

Pilgrim Nuclear Power Station,-- closure.

#### PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4652) of Aaron Vega (with the approval of the mayor and city council) relative to the position of auditor in the city of Holyoke.,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

Holyoke,-- auditor.

A Bill relative to the classification of certain employees of the South Essex Sewerage District (House, No. 4253,-- on petition),- **was read and, under Senate Rule 26, referred to the committee on Rules.**

South Essex Sewerage District.

#### *Resolutions.*

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

Resolutions (filed by Mr. Lewis) “congratulating Dr. Kimberly J. Smith on the occasion of her retirement”;

Dr. Kimberly J. Smith.

Resolutions (filed by Mr. Tarr) “congratulating the United States Cadet Nurse Corps on its seventy-fifth anniversary”; and

United States Cadet Nurse Corps.

Resolutions (filed by Mr. Tarr) “congratulating the town of Wenham on its three hundred and seventy-fifth anniversary.”

Town of Wenham.

*Communication.*

The Clerk read the following communication:

*The Commonwealth of Massachusetts*  
MASSACHUSETTS SENATE  
Office of the Majority Leader

June 22, 2018

Senator Eric p.  
Lesser,—absence  
from Chamber.

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

Dear Mr. Clerk,

I missed one roll call vote on June 21, 2018 during the Senate's formal session. If I were present, I would have voted in the following manner:

- On the question of passing Senate Bill 2555, *An Act to protect children from harmful flame retardants*, to be engrossed 9Roll Call #431), I would have voted in the affirmative.

I request that this be recorded and a copy of this letter be entered in the Journal of the Senate.

Sincerely,  
ERIC P. LESSER

*First Hampden and Hampshire District*

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

Ordered printed.

*Reports of Committees.*

By Mr. Feeney, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Pamela Lopez, an employee of the Department of Developmental Services (Senate, No. 2550).

Pamela Lopez,— sick  
leave.

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

By Mr. Brownsberger, for the committee on the Judiciary, on petition, a Bill establishing a sick leave bank for Norma Jean Silva, an employee of the trial court of the Commonwealth (Senate, No. 2572).

Norma Jean Silva,—  
sick leave.

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

*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 amending the charter of the town of Oxford to elect 3 members of the housing authority (House, No. 3746),-- was read a third time.

Oxford charter.

Pending the question on passing the bill to be engrossed, Mr. Fattman presented an amendment striking out section 1 and inserting in place thereof the following section:-

“SECTION 1. Subsection 4-5-1 of section 5 of chapter 4 of the charter of the town of Oxford, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- There shall be a housing authority of 5 members, 1 of whom shall be appointed under the authority of the commonwealth, 3 of whom shall be elected and 1 of whom shall be chosen in accordance with the General Laws.”.

**The amendment was adopted.**

**The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.**

**Sent to the House for concurrence in the amendment.**

The House Bill relative to boat excise tax revenue for the town of Chatham waterfront (House, No. 3909, amended),-- **was read a third time and passed to be engrossed, in concurrence.**

Chatham waterfront.

The House Bill repealing a certain act increasing the expenditure limit on revolving funds in the city of Attleboro (House, No. 4299),-- **was read a third time and passed to be engrossed, in concurrence.**

Attleboro,--  
revolving fund.

The House Bill designating the Houghs Neck Maritime Center in the city of Quincy in honor of Francis X. McCauley (House, No. 4435),-- **was read a third time and passed to be engrossed, in concurrence.**

Houghs Neck  
Maritime Center.

#### PAPERS FROM THE HOUSE

##### *Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Elizabeth Fontaine, an employee of the Department of Children and Families (see Senate, No. 2560, 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 3 to 0.

Elizabeth Fontaine,--  
sick leave.

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

##### *Engrossed Bills.*

The following engrossed bills (all of which originated in the House), 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 President and laid before the Governor for his approbation, to wit:

Relative to the membership of the Millbury Redevelopment Authority (see House, No. 1101);

Bills laid before the  
Governor.

Exempting certain affordable housing in the South End section of the city of Boston from certain procurement and contracting requirements (see House, No.

3540); and

Authorizing the city known as the town of Amherst to hold a special election for the office of town counsel (House, No. 4482).

*Reports of a Committee.*

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill providing for the abandonment of a certain water line easement in Revere and Malden (Senate, No. 1676) (the committee on Bonding, Capital Expenditures and State Assets having recommended that the bill be amended by substituting a new draft with the same title (Senate, No. 2240),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2576).

Revere and Malden,--  
water line easement.

**There being no objection, the rules were suspended, on motion of Mr. Brownsberger, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.**

**The recommended Bonding, Capital Expenditures and State Assets amendment was then adopted as amended.**

**The bill (Senate, No. 2576) was then ordered to a third reading.**

By Ms. Spilka, for the committee on Ways and Means, that the House Bill authorizing the Department of Fish and Game to acquire land of the town of Dalton (House, No. 4301),-- ought to pass.

Dalton,-- land  
conveyance.

**There being no objection, the rules were suspended, on motion of Mr. Brownsberger, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing the Department of Fish and Game to acquire a certain parcel of land in the town of Dalton".**

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill supporting community access television (Senate, No. 1857),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2577).

Community access  
television.

**There being no objection, on motion of Mr. Ross, the matter was placed in the Orders of the Day for immediate consideration for Thursday, June 28, for a second reading, with the amendment pending.**

*Recess.*

There being no objection, at twenty-three minutes past eleven o'clock A.M., the President declared a recess, subject to the call of the Chair; and at nine minutes before one o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

PAPERS FROM THE HOUSE.

A Bill making certain appropriations for fiscal year 2019 before final action on the General Appropriation Bill (printed in House, No. 4650,-- being a message from His Excellency the Governor),-- was read.

Supplemental  
appropriations bill.

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

The House Bill establishing the Honorable Peter V. Kocot Act to enhance access to high quality, affordable and transparent healthcare in the Commonwealth

Health Care.



(House, No. 4639),— 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 2573), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Mariano of Quincy, Roy of Franklin and R. Hunt of Sandwich had been appointed the committee on the part of the House.

**On motion of Mr. Tarr, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Welch, Lewis and Tarr were appointed on the part of the Senate.**

**The bill was returned to the House endorsed accordingly.**

The House Bill relative to firearms (House, No. 4539),— 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 2549), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Naughton of Clinton, Decker of Cambridge and Vieira of Falmouth had been appointed the committee on the part of the House.

Firearms.

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

**The bill was returned to the House endorsed accordingly.**

*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 Vito Capizzo.

Moment of Silence.

*Recess.*

There being no objection, at four minutes past one o'clock P.M., the President declared a recess, subject to the call of the Chair; and at twenty-one minutes past four o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

#### PAPERS FROM THE HOUSE

*Engrossed Bills.*

The following engrossed bills (the first 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 President and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Elizabeth Fontaine, an employee of the Department of Children and Families (see Senate, No. 2560, amended); and

Bills laid before the Governor.

Making certain appropriations for fiscal year 2019 before final action on the General Appropriation Bill (see House Bill, printed in House, No. 4650).

*Order Adopted.*

On motion of Mr. Tarr,--

*Ordered,* That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o'clock A.M., in a full formal session with a calendar.

Time of meeting.



*Adjourn In Memory of Vito Capizzo.*

The Senator from the Cape and Islands, Mr. Cyr, moved that when the Senate adjourns today, it do so in the memory of former Nantucket football coach Vito Capizzo.

Mr. Capizzo died peacefully at Massachusetts General Hospital on May 17th, 2018. He was 78 years old.

Mr. Capizzo was born in Sicily in 1940 and immigrated to the United States with his family at the age of 10. He attended Natick High School where he was a star member of the football and hockey teams. He went on to study at the University of Alabama. There, he made the football team as a walk-on linebacker under the legendary coach Paul “Bear” Bryant.

After graduating, Vito Capizzo began his career coaching high school football in Green Cove Springs, Florida.

He moved with his wife to Nantucket in 1964 where he would go on to build his legacy as a record-setting coach.

The Nantucket Inquirer and Mirror wrote after his retirement in 2009 that “the town rallied around the coach and his players and Saturday afternoons at Burnham Dell Field saw packed home stands and offered some of the best entertainment that a small town could hope for,” and “hundreds of boys over the years aspired to be part of the myth and legend that surrounded being a Whaler football player.”

Over the course of his 45 seasons at Nantucket High School, Coach Capizzo’s squad earned 293 wins, nine Division 5 Super Bowl games, and three championship games. He was the sixth winningest football coach in Massachusetts history and received multiple honors such as the Massachusetts Athletic Director of the Year award and an induction into the Massachusetts High School Football Coaches Association Hall of Fame. In 2009, Nantucket renamed its football stadium to Vito Capizzo stadium.

When asked about his friendship with Coach Capizzo, New England Patriots coach Bill Belichick told the Cape Cod Times, “As I’ve told Vito, I’d love to have his record.”

Vito Capizzo is survived by his wife, Barbara Capizzo, his son, Scott Capizzo, his brothers, Gus and Frank Capizzo, and his two grandchildren.

Mr. Capizzo was a beloved father, husband, coach, mentor, and friend. He left a lasting impact on the island of Nantucket, not only at the high school, but in the entire community. May we all reflect on and appreciate Vito’s life and career and appreciate a man whose passion leaves a lasting impact on the island of Nantucket.

Accordingly, as a mark of respect in memory of Vito Capizzo, at twenty-two minutes past four o’clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Thursday next at eleven o’clock A.M.