

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, JULY 9, 2018

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JOURNAL OF THE SENATE.

Monday, July 9, 2018.

Met at six 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).

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

Pledge of allegiance.

Report of a Committee.

By Mr. Keenan, for the committee on Bonding, Capital Expenditures and State Assets, that the House Bill promoting climate change adaptation, environmental and natural resource protection, and investment in recreational assets and opportunity (House, No. 4613),-- ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2590 [Bond authorization: \$2.187 billion];

Environmental bond bill.

Referred, under Senate Rule 27, to the committee on Ways and Means, with the amendment pending.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4703) of Stephen Kulik and Adam G. Hinds (by vote of the town) that the town of Williamsburg be authorized to continue the employment of Alan Everett and Robert Lapointe, members of the fire department of said town; and

Williamsburg,-- fire department.

Petition (accompanied by bill, House, No. 4704) of Harold P. Naughton, Jr. (by vote of the town) relative to exempting the position of police chief in the town of Lancaster from the provisions of the civil service law;

Lancaster,-- police chief.

Severally to the committee on Public Service.

A Bill relative to student driver safety (House, No. 2761,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Student driver safety.

A Bill relative to child-centered family law (House, No. 3090, amended,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Family law,-- child-centered.

A Bill authorizing the city of Cambridge to use certain land used for open recreational purposes for traffic reconfiguration (House, No. 4634,-- on House, No. 4598) [Local approval received on House, No. 4598],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Cambridge,-- traffic reconfiguration.

Resolutions.

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

Resolutions (filed by Mr. Brady) “congratulating Jake Sledziewski on the occasion of his elevation to the rank of Eagle Scout.”

Jake Sledziewski

Reports of Committees.

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that the Senate Order relative to granting the committee on the Revenue until July 18, 2018, within which time to make its final report on current Senate document numbered 2532 (Senate, No. 2587),-- ought to be adopted.

Revenue extension order.

There being no objection, the rules were suspended, on motion of Mr. Humason, and the ordered was considered forthwith and adopted.

Sent to the House for concurrence.

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 Viriato M. deMacedo and David T. Vieira for legislation to authorize the Division of Capital Asset Management and Maintenance to grant easements to NSTAR electric company d/b/a Eversource Energy in return for NSTAR releasing or modifying easements for the benefit of the Commonwealth.

Bourne,-- easements. SD2699

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 State Administration and Regulatory Oversight.

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 relative to disability benefits (House, No. 2515, amended).

Disability benefits.

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

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4715) for legislation to establish a sick leave bank for Joseph Mele, an employee of the Department of Mental Health,-- was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.

Joseph Mele,-- sick leave.

Order.

The Senate Order relative to granting the committee on the Judiciary until July 24, 2018, within which time to make its final report on a certain current Senate document numbered 2544, relative to sexually dangerous persons (Senate, No. 2578),-- came from the House adopted, in concurrence *with an amendment* in line 2 by striking out the date “July 24” and inserting in place thereof the date: “July 17”.

Judiciary extension order.

The rules were suspended, on motion of Mr. Humason, and the order was considered forthwith; and the Senate concurred in the House amendment.

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Sandra Elizabeth Smith, an employee of the Department of Developmental Services (see House, No. 4509), 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.

Sandra Elizabeth Smith,-- sick leave.

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

An engrossed Bill establishing a sick leave bank for Maria Benitez, an employee of the Department of Children and Families (see House, No. 4474, 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.

Maria Benitez,-- sick leave.

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

An engrossed Bill establishing a sick leave bank for Robert F. Dunphy Jr., an employee of the Trial Court of the Commonwealth (see House, No. 4583), 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.

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

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

Moment of Silence.

At the request of the Chair (Mr. Boncore), the members, guests and staff stood in a moment of silence and reflection to the memory of Marcia F. (Donovan) Lambert.

Moment of silence.

PAPERS FROM THE HOUSE

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 Acting President (Mr. Boncore) and laid before the Governor for his approbation, to wit:

Relative to the charter of the town of Eastham (see House, No. 2423);

Relative to the tenure of office of the city clerk of the city of Revere (see House, No. 4369); and

Bills laid before the Governor.

Increasing the annual compensation of the Peabody Municipal Light Plant Commissioners (see House, No. 4447, amended).

UNCORRECTED PROOF.

Recess.

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

Recess.

Reports of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to the Massachusetts teachers retirement system (Senate, No. 2209),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2592).

Teachers,--
retirement system.

There being no objection, on motion of Mr. Humason, the matter was placed in the Orders of the Day for immediate consideration for Thursday, July 12, for a second reading, with the amendment pending.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill automatically registering eligible voters and enhancing safeguards against fraud (House, No. 4671),-- ought to pass.

Eligible voters,--
automatic
registration.

There being no objection, on motion of Mr. Humason, the matter was placed in the Orders of the Day for immediate consideration for Thursday, July 12, for a second reading.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill promoting climate change adaptation, environmental and natural resource protection, and investment in recreational assets and opportunity (House, No. 4613) (the committee on Bonding, Capital Expenditures and State Assets having recommended that the bill be amended by substituting a new text numbered 2590) reported that the pending Bonding, Capital Expenditures and State Assets recommended new text (Senate, No. 2590) be amended by striking out the text and inserting in place thereof the text of Senate document numbered 2591 [Bond authorization: \$2,192,333,000].

Environmental,--
bond bill.

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill promoting climate change adaptation, environmental and natural resource protection, and investment in recreational assets and opportunity (House, No. 4613) (the committee on Bonding, Capital Expenditures and State Assets having recommended that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2590; and the committee on Ways and Means having recommended that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2591) shall be placed in the Orders of the Day for a second reading on Thursday, July 12, 2018.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 3:00 P.M., on Tuesday, July 10, 2018. All such amendments shall be second-reading amendments to the Senate Ways and Means new text (Senate, No. 2591), 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. Humason, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, July 12, 2018, for a second reading with the amendments pending.

PAPERS FROM THE HOUSE

Engrossed Bills.

An engrossed Bill establishing a sick leave bank for Maria Benitez, an employee of the Department of Children and Families (see House, No. 4474, amended) (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 re-enacted and signed by the Acting President (Mr. Boncore) and again laid before the Governor for his approbation.**

Bill again laid before the Governor.

The following engrossed bills (both 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 Acting President (Mr. Boncore) and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Sandra Elizabeth Smith, an employee of the Department of Developmental Services (see House, No. 4509); and

Bills laid before the Governor.

Establishing a sick leave bank for Robert F. Dunphy Jr., an employee of the Trial Court of the Commonwealth (see House, No. 4583).

Order Adopted.

On motion of Mr. Humason,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Wednesday 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 Marcia F. (Donovan) Lambert of Salem

The Senator from Essex, Ms. Lovely, moved that when the Senate adjourns today, it adjourn in memory of Marcia F. (Donovan) Lambert of Salem.

Marcia F. (Donovan) Lambert, 79, longtime resident of Salem, passed away suddenly on April 10, 2018. Born to the late William and Annette (Bois) Donovan in Dover, New Hampshire, she graduated from Lynn English High School with the class of 1957 and Burdett School of Business, 1958. Marcia worked at Solid State Products, Legend Advertising, The Honey Baked Ham Company as Advertising Coordinator, and Simpson Garden Design as a Horticultural Design Specialist, where she lived out her lifelong passion for plants and flowers.

Always selfless and generous, Marcia devoted her time and leadership to many organizations and causes, including the Salem Recycling Committee, the Salem Beautification Committee, The Salem Garden Club, Salem State Advisory Board, South Salem Neighborhood Association, and Treasurer for the Lynn English High School Reunion Committee. After a trip to Paris to see the Eiffel Tower, she developed a passion for collecting small replicas of the Tower that she used as props with her numerous flowers and plants throughout her home.

Marcia was a parishioner of St Anne's Parish in Salem. She spent her last three months at Putnam Farm Assisted Living in Danvers and was an active participant in just about every activity that was available and donated over 50 gardening books to help start a new library section.

Marcia was the beloved wife of the late Robert Lambert, who predeceased her in 1987, and the dear and devoted mother of Brian Lambert, of Phoenix, Arizona, Lisa Lambert McKenna and her Loving Companion, Peter Appiani, of Danvers and Julie Lambert Lemelin and her husband Charles of Gales Ferry, Connecticut. She also leaves her siblings David W. Donovan and wife Patricia of Springfield, and William F. Donovan, Jr. and his wife Linda of Andover, She was a devoted grandmother, "Grams", to Lauren, Ashley, Nicholas, Madison, Maxwell, and Alexis. She will also be lovingly remembered by several cousins, nieces, nephews, extended family and close friends. She was regarded by many as "The Flower of Salem".

Accordingly, as a mark of respect in memory of Marcia F. (Donovan) Lambert, at ten minutes past one o'clock P.M., on motion of Mr. Humason, the Senate adjourned to meet again on Wednesday next at eleven o'clock A.M.