

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**WEDNESDAY, JULY 11, 2018**

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JOURNAL OF THE SENATE.

Wednesday, July 11, 2018.

Met at nineteen minutes past eleven o'clock A.M. (Mr. Rodrigues 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. Rodrigues), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guests.

There being no objection, the Chair (Mr. Rodrigues) introduced, in the Senate Gallery, students and teachers from the Hudson Portuguese Camp. The group was 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. They were also guests of Senator Eldridge.

Hudson Portuguese Camp.

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 2596) of Marc R. Pacheco and Keiko M. Orrall (by vote of the town) for legislation to authorize the town of Berkley to grant an additional license for the sale of alcoholic beverages not to be drunk on the premises [Local approval received];

Berkley,-- liquor license.

**Under Senate Rule 20, to the committee on Consumer Protection and Professional Licensure.**

By Mr. Fattman, a petition (accompanied by bill, Senate, No. 2597) of Ryan C. Fattman and Joseph D. McKenna (by vote of the town) for legislation to authorize the town of Sutton to grant real property abatements to certain military personnel [Local approval received];

Sutton,-- property abatements.

**Under Senate Rule 20, to the committee on Revenue.**

**Severally sent to the House for concurrence.**

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4717) of Dylan Fernandes (by vote of the town) authorizing the town of Nantucket to sell, convey or otherwise dispose of a portion of land currently held for cemetery purposes in said town; and

Nantucket,-- land disposal.

Petition (accompanied by bill, House, No. 4718) of John H. Rogers and Michael F. Rush (by vote of the town) amending the membership of the representative town meeting of Norwood;

Norwood,-- town meeting.

**Severally, to the committee on Municipalities and Regional Government.**

Petition (accompanied by bill, House, No. 4719) of Ronald Mariano and others (with the approval of the mayor and city council) relative to disability retirement benefits for certain public safety personnel in the city of Quincy;

Quincy,-- disability retirement.

**To the committee on Public Service.**

Petition (accompanied by bill, House, No. 4720) of Ronald Mariano and others (with the approval of the mayor and city council) that the city of Quincy be authorized to grant abatements of certain real estate taxes to Kristin and Sean Healy of said city;

Quincy,-- tax abatements.

**To the committee on Revenue.**

A Bill relative to economic development in the Commonwealth (House, No. 4732,-- on House, No. 4297),-- **was read and, under Senate Rule 26C, referred to the committee on Bonding, Capital Expenditures and State Assets.**

Economic development.

A Bill designating certain highways as state historic highways (House, No. 4713,-- on House, Nos. 4022 and 4155),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Historic highways.

*Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Norma Jean Silva, an employee of the Trial Court of the Commonwealth (see Senate, No. 2572), 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.

Norma Jean Silva,-- sick leave.

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

*Communication.*

The Clerk read the following communication:

**The Commonwealth of Massachusetts  
MASSACHUSETTS SENATE**

Senator Julian Cyr,—  
absence from Chamber

July 2, 2018

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

Dear Mr. Clerk:

I missed six roll call votes on June 28, 2019 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 2562, *An Act relative to gender identity on Massachusetts identification*, to be engrossed (Roll Call #432), I would have voted in the affirmative
- On the question of passing Senate Bill 2568, *An Act to provide identification to homeless youth and families*, to be engrossed (Roll Call #433), I would have voted in the affirmative.
- On the question of enactment of House Bill 4301, *An Act authorizing the Department of Fish and Game to acquire land of the town of Dalton*, I

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would have voted in the affirmative.

- On the question of acceptance of conference committee report of House Bill 4670, *An Act relative to firearms*, I would have voted in the affirmative.
- On the question of passing Senate Bill 2570, *An Act to reduce traffic fatalities*, I would have voted in the affirmative.
- On the question of passing House Bill 4486, *An Act protecting youth from the health risks of tobacco and nicotine addiction*, 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.

Respectfully,  
JULIAN CYR

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

Ordered printed.

*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 Senate Bill relative to the provision of group health insurance benefits in the town of Athol (Senate, No. 1418),-- **was read a third time and passed to be engrossed.**

Athol,-- group insurance.

**Sent to the House for concurrence.**

The Senate Bill authorizing the town of Sturbridge to issue one additional license for the sale of all-alcoholic beverages not to be drunk on the premises at 122 Main Street (Senate, No. 2507),-- **was read a third time and passed to be engrossed.**

Sturbridge,-- liquor license.

**Sent to the House for concurrence.**

The House Bill 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),-- **was read a third time and passed to be engrossed, in concurrence.**

Holliston,-- alcohol license.

The House Bill authorizing the town of Norwood to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (House, No. 4614),-- **was read a third time and passed to be engrossed, in concurrence.**

Norwood,-- liquor license.

The House Bill relative to polling places in the city of Attleboro (House, No. 4618),-- **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 providing for the designation of polling places in the city of Attleboro"**.

Attleboro,-- polling places.

*Reports of a Committee.*

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 Senate Bill eliminating archaic language pertaining to individuals with disabilities in the Commonwealth of Massachusetts (Senate, No. 50) (the committee on Rules recommending that the bill be amended by substituting a new draft with the same title, Senate, No. 2594).

Archaic language,--  
eliminate.

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

**The bill (Senate, No. 2594) was then ordered to a third reading.**

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 Senate Bill to protect rental car customers (Senate, No. 98).

Rental cars,-- tolls.

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

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 Senate Bill relative to civil service resident preference (Senate, No. 1389).

Civil service,--  
resident preference.

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

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 Senate Resolve creating a commission on remediating lead in drinking water of schools and early childhood centers (Senate, No. 2465) (the committee on Rules recommending that the bill be amended by substituting a new draft with the same title, Senate, No. 2595).

Schools,-- drinking  
water.

**There being no objection, the rules were suspended, on motion of Mr. Tarr, and the resolve was read a second time and was amended, as recommended by the committee on Rules.**

**The resolve (Senate, No. 2595) was then ordered to a third reading.**

#### PAPERS FROM THE HOUSE.

A Bill relative to the transfer of an easement under the control of the Department of Conservation and Recreation in the city of Lynn (House, No. 4268, changed,-- on petition),-- was read.

Lynn,-- easement.

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

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

Petition (accompanied by bill, House, No. 4734) of Jonathan D. Zlotnik for legislation to establish a sick leave bank for Elizabeth Kendall, an employee of the Department of Developmental Services;

Elizabeth Kendall,--  
sick leave.

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

Petition (accompanied by bill, House, No. 4735) of James Sullivan for legislation relative to the use of community preservation funds for the acquisition of artificial turf for athletic fields

Community  
preservation funds.

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

Petition (accompanied by bill, House, No. 4736) of Michael J. Moran for

Domestic workers'  
rights day.

legislation for the annual issuance of a proclamation by the Governor setting apart the sixteenth day of June as domestic workers’ rights day;

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

*Recess.*

There being no objection, at twenty-six minutes before twelve o’clock noon, the Chair (Mr. Rodrigues) declared a recess subject to the call of the Chair; and, at six minutes past two o’clock P.M., the Senate reassembled, Mr. Rodrigues 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 Acting President (Mr. Rodrigues) and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Norma Jean Silva, an employee of the Trial Court of the Commonwealth (see Senate, No. 2572);

Bills laid before the Governor.

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 (see House, No. 4431);

Authorizing the town of Norwood to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (see House, No. 4614); and

Providing for the designation of polling places in the city of Attleboro (see House, No. 4618).

*Order Adopted.*

On motion of Mr. Tarr,--

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

Time of meeting.

*Moment of Silence.*

At the request of the Chair (Mr. Rodrigues), the members, guests and staff stood in a moment of silence and reflection to the memory of Russell C. Phelps, Sr. of Westminster.

Moment of silence.

*Adjourn In Memory of Russell C. Phelps, Sr. of Westminster.*

The Senator from Worcester and Middlesex, Mr. Tran, moved that when the Senate adjourns today, it adjourn in memory of Russell C. Phelps, Sr. of Westminster.

Russell C. Phelps Sr., 92, died peacefully at home surrounded by his loving family on June 23, 2018 following a period of declining health.

Russell was a son of the late George and Yvonne Phelps of Ashburnham. He is predeceased by his wife, Rita (Brooks) Phelps; three brothers, Arthur, George, Herbert; and his grandson Jacob.

He was a proud veteran of World War II and the oldest surviving member of

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the Westminster VFW. During World War II, Russell and his three brothers served in separate branches of the military; He in the Merchant Marines, George in the Army, Herbert in the Marine Corps and Arthur in the Air Force.

Russell was a former business owner. He owned Phelps Trucking of Westminster and the Union Square Restaurant in Gardner. He was a 20-year employee of the Boston Red Sox. He was an avid sports fan, happily volunteering at his children's sporting activities. He proudly attended the Honor Flight to Washington D.C. in 2017.

He leaves his two daughters, Nancy White and her husband Eric of Westminster and Janice Chestna and her husband Wayne of Ashburnham; two sons, Michael "Mick" and his wife Gwen and Russell Jr. and his wife Cathy all of Westminster; his six grandchildren, Benjamin and Mitchell White, Samuel Phelps, Jeffrey Cormier, Emily Scalici and Matthew May; four great-grandchildren, Andrew and Gabrielle Cormier, Violet June and Tallulah Scalici and numerous nieces and nephews.

Accordingly, as a mark of respect in memory of Russell C. Phelps, Sr., at eleven minutes past two o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again tomorrow at eleven o'clock A.M.