

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



TUESDAY, JULY 17, 2018

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JOURNAL OF THE SENATE.

Tuesday, July 17, 2018.

Met at four 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, the President handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced, in the rear of the Chamber, 3 interns from his office: Thanh Nguyen from Milton High School, Belle Sullivan from McGill University, and Imuetiyan Eweka from Archbishop Williams High School. The Senate welcomed them with applause and they withdrew from the Chamber. They were accompanied by Senator Timilty's District Director Lauren Kinsella.

Thanh Nguyen, Belle Sullivan and Imuetiyan Eweka.

Report.

Report of the University of Massachusetts (pursuant to Section 15 of Chapter 75 of the General Laws) submitting its 2018 Report on Annual Indicators (received July 16, 2018),-- was placed on file.

UMASS,-- annual indicators report. SD2723

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4763) of Donald R. Berthiaume, Jr., and Anne M. Gobi (by vote of the town) relative to the health insurance and other benefits in the town of East Brookfield; and

East Brookfield,-- health benefits.

Petition (accompanied by bill, House, No. 4764) of Kevin J. Kuros and Ryan C. Fattman (by vote of the town) that the town of Blackstone be authorized to continue the employment of fire chief Michael Sweeney;

Blackstone,-- Michael Sweeney.

Severally, to the committee on Public Service.

Petition (accompanied by bill, House, No. 4765) of Frank I. Smizik and Cynthia Stone Creem (by vote of the town) that the town of Brookline be authorized to raise the income threshold for senior real property tax deferments in said town;

Brookline,-- senior property tax.

To the committee on Revenue.

A Bill further regulating the Buzzards Bay Water District (House, No. 4523,-- on petition),-- was read and, under Senate Rule 26, referred to the committee on Rules.

Buzzards Bay,-- water district.

Bills

Authorizing the city of Beverly to continue the employment of Paul Cotter as fire chief (House, No. 4488,-- on petition) [Local approval received];

Beverly,-- fire chief.

UNCORRECTED PROOF.

Directing the city of Boston police department to waive the maximum age requirement for police officers for Hugh Trong Ngo (House, No. 4608,-- on petition) [Local approval received]; and

Boston,-- police officer.

Authorizing the town of Otis to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4622, amended,-- on House, No. 4443) [Local approval received on House, No. 4443];

Otis,-- liquor license.

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

Notice was received from the House of Representatives announcing the following appointment by the Minority Leader:

Representative David T. Viera of Falmouth to the Commission (under Section 26 of Chapter 113 of the Acts of 2018) to investigate and study the feasibility of establishing a Cape Verdean cultural center in the city of Boston.

Cape Verdean,-- community center.

Resolutions.

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

Resolutions (filed by Ms. Lovely) “congratulating Cameron Abell on his elevation to the rank of Eagle Scout”; and

Cameron Abell.

Resolutions (filed by Ms. Spilka) “congratulating Aidan Patrick O’Sullivan on his elevation to the rank of Eagle Scout.”

Aidan Patrick O’Sullivan.

PAPERS FROM THE HOUSE.

The Senate Bill to protect animal welfare and safety in cities and towns (Senate, No. 2347),-- 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 4565, amended by striking out sections 14 and 24.

Animal welfare.

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

Senators Montigny, Hinds and Tarr were appointed the committee on the part of the Senate.

The bill was returned to the House endorsed accordingly.

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

Petition (accompanied by bill, House, No. 4774) of Stephen Kulik and others for legislation to further regulate the exchange of certain parcels of land between the city of Northampton and the Division of Capital Asset Management and Maintenance; and

Northampton,-- Land easement.

Petition (accompanied by bill, House, No. 4775) of Michael J. Moran and Kevin G. Honan for legislation to authorize the commissioner of Capital Asset Management and Maintenance to grant an easement at the Chestnut Hill Reservation located in the Brighton section of the city of Boston;

Boston,-- land easement.

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

The House promoting climate change adaptation, environmental and natural resource protection, and investment in recreational assets and opportunity (House, No. 4613),— 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, No. 2602), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representative Nangle of Lowell, Pignatelli of Lenox and Berthiaume of Spencer have been appointed the committee on the part of the House.

Environmental bond bill.

On motion of Ms. Lovely, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Brownsberger, Gobi and Humason were appointed the committee on the part of the Senate.

The bill was returned to the House endorsed accordingly.

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

Petition (accompanied by bill, House, No. 4771) of Harold P. Naughton, Jr., for legislation to authorize the release of an agricultural covenant on a certain parcel of land in the town of Lancaster; and

Lancaster,—
agricultural covenant.

Petition (accompanied by bill, House, No. 4772) of Danielle W. Gregoire and Hannah Kane relative to a certain agricultural restriction held by the Commonwealth on land in the town of Westborough;

Westborough,—
agricultural covenant.

Severally, under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 4773) of Paul J. Donato and Patricia D. Jehlen (with the approval of the mayor and city council) that the city of Medford be authorized to use inserts to accompany municipal property tax bills in said city;

Medford,— property
tax bills.

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

Recess.

There being no objection, at fourteen minutes before twelve o'clock noon, the President declared a recess subject to the call of the Chair; and, at twenty-nine minutes before five o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

Reports of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill establishing the Massachusetts Code of Military Justice (Senate, No. 2236),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2611).

National Guard,—
code of military
justice.

Under Senate Rule 26, referred to the committee on Rules.

Subsequently, Mr. Montigny, for the said committee, reported, recommending that matter be placed in the Orders of the Day for the next session for immediate consideration.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill protecting consumers by prohibiting blocking, throttling, or paid prioritization in the provision of internet service (Senate, No. 2336) (also based on Senate, No. 2376, being a report of the Special Senate Committee on Net Neutrality),-- ought to pass, with an amendment substituting a new draft entitled "An Act promoting net neutrality and consumer protection" (Senate, No. 2610).

Net neutrality.

Under Senate Rule 26, referred to the committee on Rules.

Subsequently, Mr. Montigny, for the said committee, reported, recommending that matter be placed in the Orders of the Day for Thursday, July 19th for immediate consideration, for a second reading, with the amendment pending.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill relative to Alzheimer's and related dementias in the Commonwealth (House, No. 4116),-- ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2612.

Alzheimer's and dementia.

Under Senate Rule 26, referred to the committee on Rules.

Subsequently, Mr. Montigny, for the said committee, reported, recommending that matter be placed in the Orders of the Day for Thursday, July 19th for immediate consideration, for a second reading, with the amendment pending.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill for Prevention and Access to Appropriate Care and Treatment of Addiction (House, No. 4742),-- ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2609.

Addiction treatment.

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 for Prevention and Access to Appropriate Care and Treatment of Addiction (House, No. 4742) (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 2609) shall be placed in the Orders of the Day for a second reading on Thursday, July 19, 2018.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 2:00 P.M. on Wednesday, July 18, 2018. All such amendments shall be second-reading amendments to the proposed Ways and Means new text (Senate, No. 2609), 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. Tarr, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, July 19, 2018, for a second reading with the amendment pending.

PAPERS FROM THE HOUSE

Order.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith as follows:

Ordered, that notwithstanding the provisions of Joint Rule 10, State Administration and Regulatory Oversight be granted until Tuesday, July 31, 2018 within which time to make its final report on current House document numbered 4615.

State Administration
and Regulatory
Oversight,--
extension.

The rules were suspended, on motion of Mr. Timilty, and the order (House, No. 4762) was considered forthwith; and, after remarks, was adopted, in concurrence.

The House Bill to increase renewable energy and reduce high-cost peak hours (House, No. 4756),— 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, No. 2608), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representative Golden of Lowell, Haddad of Somerset and Jones of North Reading have been appointed the committee on the part of the House.

Renewable energy.

On motion of Mr. Timilty, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Barrett, Pacheco and O'Connor were appointed the committee on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Order Adopted.

On motion of Mr. Timilty,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock A.M., in a full formal session without a calendar.

Time of meeting.

On motion of Mr. Tarr, at fourteen minutes past five o'clock P.M., the Senate adjourned to meet again tomorrow at eleven o'clock A.M.