

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, JULY 12, 2018

[68]

JOURNAL OF THE SENATE.

Thursday, July 12, 2018.

Met at eight 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 Messrs. Pacheco and deMacedo for the purpose of an introduction. They introduced, on the Rostrum, President of the National Assembly of Cape Verde Jorge Pedro Mauricio dos Santos. President dos Santos has a long and distinguished political and professional career of service during which he has attained positions of high level of responsibility. Before being elected President of the Assembly, he held the position of Vice-President of the Cabo Verdean Legislature from 2006-2011 and during his tenure he was accredited by the African Union as Electoral Observer and International Consultant in Electoral Processes. He was also elected twice as the Mayor of Ribeira Grande, Island of Santo Antão and played an active role in creating the National Association of Municipalities of Cape Verde. The Senate welcomed him with applause, he addressed the Senate from the Rostrum, signed the guest book and withdrew from the Chamber. He was also guests of Senators Rodrigues, Montigny, Brady and Representative Cabral of New Bedford.

President Jorge Pedro
Mauricio dos Santos.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Montigny for the purpose of an introduction. Mr. Montigny then introduced, in the Senate Gallery, students from Holy Family Holy Name Elementary School in New Bedford. 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 Gallery.

Holy Family Holy
Name Elementary
School.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced, in the rear of the Chamber, the Archbishop Williams High School Baseball Team. The team was recognized for winning the MIAA Division 4 State Championship title. The Senate applauded their accomplishments and they withdrew from the Chamber. They were accompanied by Coach James Dolan. They were also the guests of Senators Keenan and O'Connor.

Archbishop Williams
High School Baseball
Team.

There being no objection, during consideration of the Orders of the Day, the President introduced on the Rostrum, Dr. Nathan Phillips of Boston University. He was being recognized for his work on the Massachusetts Legislative Science Policy Fellowship, an initiative that will help advance evidence-based policy in the Senate. This fellowship is one of nine ongoing state initiatives supported by grants from the non-profit, non-partisan Gordon and Betty Moore and Simons Foundations. Also recognized for his work was Dr. David Westerling of Merrimack College and the Boston Society of Civil Engineers. Dr. Phillips was welcomed with applause, he addressed the Senate from the Rostrum, signed the guest book and withdrew from the Chamber.

Dr. Nathan Phillips.

UNCORRECTED PROOF.

There being no objection, the President introduced in the rear of the Chamber, her son Eddie and his wife Cindy. The Senate welcomed them with applause and they withdrew from the Chamber.

Eddie and Cindy
Chandler.

Communications.

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

Communication from the Hampden County Sheriff's Office submitting a plan of correction in response to a Department of Public Health inspection conducted on June 1, 2018 (received July 9, 2018); and

Hampden Sheriff, --
plan of correction.
SD2716

Communication from the Department of Public Health relative to plans of correction for the following correctional facilities:

DPH, -- plans of
correction.
SD2717

Worcester County House of Corrections and Jail
Essex County Women in Transition
MCI Concord
Suffolk County House of Correction
Boston Pre-Release Center
Pondville Correctional Center
Northeastern Correctional Center (received July 9, 2018).

Reports.

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

Report of the Office of the State Auditor (pursuant to Section 17 of Chapter 11 of the General Laws) submitting the Bureau of Special Investigations fiscal year 2018 2nd quarter report (received July 5, 2018);

Auditor, -- BSI 2nd
quarter report.
SD2714

Report of the Massachusetts District Attorneys Association pursuant to Section 20D of Chapter 12 of the General Laws) relative to the status of child abuse and neglect cases for fiscal year 2017 (received July 9, 2018);

MDAA, -- status of
child abuse report.
SD2715

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.
SD2718

MCI Framingham
Norfolk County House of Correction and Alternative Center
Middlesex County Jail and House of Corrections
MCI Cedar Junction (received July 9, 2018); and

Report of the Department of Children and Families (pursuant to Section 25 of Chapter 18B of the General Laws) submitting their total number of cases of multiple 51A orders (received July 11, 2018).

DCF, -- 51A reports.
SD2719

Petition.

Mr. Fattman presented a petition (accompanied by bill) (subject to Joint Rule 12) of Ryan C. Fattman and Joseph D. McKenna for legislation to establish a sick leave bank for Thomas Millett, an employee of the Department of Correction;

Thomas Millett,--
sick leave.
SD2720

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

Reports of a Committee.

Mr. Montigny, for the committee on Rules, to whom was referred the Senate Order relative to authorizing the joint committee on the Health Care Financing to

Concussion testing,--
student athletes.

make an investigation and study of certain current Senate documents relative to financing and delivery of health care (Senate, No. 2535), reported, in part, a “Bill relative to baseline concussion testing for student athletes” (Senate, No. 1256); and

The same Senator, for the same committee, to whom was referred the Senate Order relative to authorizing the joint committee on the Labor and Workforce Development to make an investigation and study of certain current Senate documents relative to labor and workforce development (Senate, No. 2490), reported, in part, a “Bill providing for the protection of emergency responders from dismissal” (Senate, No. 1014);

Emergency responders,-- protection.

The bills were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Committees Discharged.

Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration

Of the Senate Order relative to authorizing the joint committee on Economic Development and Emerging Technologies to make an investigation and study of certain current Senate documents relative to economic development issues (Senate, No. 2565); and

EDET committee,-- study.

Of the Senate Order relative to authorizing the joint committee on Labor and Workforce Development to make an investigation and study of certain current Senate documents relative to labor and workforce development matters (Senate, No. 2588);

Labor and Workforce Development committee,-- study.

And recommending that the same severally be referred to the committee on Rules;

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

Mr. Welch, for the committee on Health Care Financing, reported, asking to be discharged from further consideration of the Senate Bill relative to home care workforce initiatives (Senate, No. 2558),-- and recommending that the same be referred to the committee on Ways and Means;

Home care,-- workforce initiatives.

Under Senate Rule 36, the report was considered forthwith and accepted. Sent to the House for concurrence in the discharge of the joint committee.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4727) of Dylan Fernandes and Julian Cyr (by vote of the town) that the town of Oak Bluffs be authorized to further regulate the rental of mopeds and motor scooters in said town,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

Oak Bluffs,-- mopeds.

Bills

Providing for the terms of certain bonds for affordable housing to be issued by the Commonwealth (printed in House, No. 4573,-- being a message from His Excellency the Governor);

Affordable housing.

Providing for the terms of certain bonds for continued investment in the life sciences industry to be issued by the Commonwealth (printed in House, No. 4668,-- being a message from His Excellency the Governor); and

Life sciences.

Providing for the terms of certain bonds for capital improvements (printed in

Capital improvements.

House, No. 4669,-- being a message from His Excellency the Governor);

Were severally read and, under Senate Rule 26C, referred to the committee on Bonding, Capital Expenditures and State Assets.

Bills

Relative to expanding resource efficiency in the Commonwealth (House, No. 4737,-- on House, No. 3404);

Resource efficiency.

To improve grid resiliency through energy storage (House, No. 4739,-- on House, No. 2600); and

Energy storage.

Relative to energy efficiency (House, No. 4749,-- on House, No. 1724);

Energy efficiency.

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

Bills

Authorizing the town of Sharon to use of a certain parcel of land for general municipal purposes (House, No. 4633,-- on petition) [Local approval received]; and

Sharon,-- land use.

Amending the charter of the city known as the town of Bridgewater (House, No. 4752,-- on House, No. 4500) [Local approval received on House, No. 4500];

Bridgewater,-- charter.

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

Resolutions.

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

Resolutions (filed by Ms. Chandler) “commending the Massachusetts Legislative Science Policy Fellowship”;

Mass Legislative Science Policy Fellowship.

Resolutions (filed by Mr. Cyr) “congratulating Jon Fuller on his retirement”;

Jon Fuller.

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

William Wiley Boardway.

Resolutions (filed by Ms. Lovely) “congratulating Marc Edmond Lemieux on his elevation to the rank of Eagle Scout.”

Marc Edmond Lemieux.

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

The House Bill further regulating the disability benefits provided to certain police officers and firefighters (House, No. 2515, amended) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

Disability benefits.

Pending the question on passing the bill to be engrossed, Mr. Tarr offered an amendment striking out section 3 and inserting in place thereof the following section:-

"SECTION 3. Section 111F of chapter 41 of the General Laws, as amended by section 8 of chapter 161 of the acts of 2017, is hereby further amended by adding the following paragraph:-

The presumption established in section 94B of chapter 32 shall apply in determining eligibility for leave without loss of pay under this section when such leave is taken: (i) by a person serving in a position covered by both this section and said section 94B of said chapter 32; and (ii) as a result of a disabling condition of cancer identified in said section 94B of said chapter 32."

UNCORRECTED PROOF.

The amendment was adopted.

The bill (House, No. 2515, amended) was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A Bill establishing a sick leave bank for Keri Volk, an employee of the Department of Correction (House, No. 4616,-- on petition),-- was read.

Keri Volk,-- sick leave.

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

A Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land to the Salem Redevelopment Authority (House, No. 4635, amended,-- on Senate, No. 2533 and House, No. 4524),-- was read.

Salem Redevelopment Authority,-- land.

There being no objection, the rules were suspended, on motion of Mr. Tran, 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. 4746) of Paul W. Mark, Anne M. Gobi and Susannah M. Whipps relative to the financial condition of the Pioneer Valley Regional School District;

Pioneer Valley Regional School District.

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

Petition (accompanied by bill, House, No. 4748) of Shawn Dooley for legislation to establish a commission (including members of the General Court) to investigate the advertising practices of the solar energy industry;

Solar energy industry,-- advertising.

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

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 establishing a sick leave bank for Barbara Harrington, an employee of the Department of State Police (House, No. 4484),-- **was read a third time and passed to be engrossed, in concurrence.**

Barbara Harrington,-- sick leave.

The House Bill authorizing the city of Newburyport to hold a special election for the purpose of accepting the terms of Clause forty-first C½ of Section 5 of Chapter 59 of the General Laws (House, No. 4249),-- **was read a third time and passed to be engrossed, in concurrence.**

Newburyport,-- special election.

Orders of the Day.

The Orders of the Day were considered as follows:

The Senate Bills

To protect rental car customers (Senate, No. 98);

Relative to civil service resident preference (Senate, No. 1389); and

Making corrective changes to certain archaic language relative to persons with disabilities (Senate, No. 2594) (its title having been changed the committee on Bills in the Third Reading); and

Third reading bills.

The Senate Resolve creating a commission on remediating lead in drinking water of schools and early childhood centers (Senate, No. 2595);

**Were severally read a third time and passed to be engrossed.
Sent to the House for concurrence.**

There being no objection, during consideration of the Orders of the Day, the following matter was considered, as follows:

PAPER 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, Public Health be granted until Tuesday, July 31, 2018 within which time to make its final report on current House documents numbered 1151 and 3240.

Public Health,--
extension order.

The rules were suspended, on motion of Mr. Lewis, and the order (House, No. 4731) was considered forthwith; and, after remarks, was adopted, in concurrence.

Quorum.

At eight minutes before twelve o'clock noon, Ms. Lovely 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 five minutes before twelve o'clock noon, a quorum was declared present.

Orders of the Day.

The Orders of the Day were further considered as follows:

There being no objection, the following matter was taken out of order and considered as follows:

The House Bill automatically registering eligible voters and enhancing safeguards against fraud (House, No. 4671),-- was read a second time.

Voter registration.

Pending the question on ordering the bill to a third reading, Ms Spilka moved to amend the bill in section 3, by inserting after the word "resides", in line 14, the following words:- "; provided, however, that an automatic voter registration agency that collects and transmits applicant data electronically shall ensure that the applicant data is transmitted to the state secretary, who shall transmit such information to the board of registrars or election commission of the city or town where the applicant resides";

1

In said section 3, by inserting, in line 16, after the word "transmission" the following words:- ", the frequency and nature of such transmissions";

In section 4, by striking out, in lines 29 and 30, the words "location where eligible citizens may register as voters, provided they are state agencies" and inserting in place thereof the following words:- "state agency where an eligible citizen may register as a voter";

In said section 4, by striking out, in lines 37 to 41, inclusive, the first two sentences of proposed paragraph (1) of proposed subsection (b) of proposed section 42G½ of chapter 51 of the General Laws, and inserting in place thereof the following

sentence:- “The state secretary shall enter into memoranda of understanding with the registry of motor vehicles and with the division of medical assistance and commonwealth health insurance connector authority to serve as automatic voter registration agencies; provided, however, that the terms of such memoranda shall include, without limitation, the timeline for the establishment or enhancement of interfaces and the schedule for data to be shared between the secretary’s office and the automatic voter registration agencies; provided further, that only information obtained by the registry of motor vehicles from driver’s license transactions and identification card transactions shall be used for automatic voter registration purposes.”;

In said section 4, by striking out proposed subsection (c) of proposed section 42G½ of chapter 51 of the General Laws, and inserting in place thereof the following subsection:-

“(c) An agency that has entered into a memorandum of understanding to become an automatic voter registration agency shall: (i) conduct automatic voter registration, as specified by subsections (d) to (g), inclusive; (ii) work with the state secretary to implement this chapter and meet the goals of automatic voter registration enumerated in section 65; and (iii) provide notice to each applicant: (A) explaining that the agency application shall serve as an attestation to eligibility and an application to register to vote unless the person declines to be registered; (B) informing the applicant of the eligibility requirements to register to vote; and (C) advising the applicant that non-citizens are ineligible to register, and that the agency must decline to register an applicant unless the applicant is a United States citizen and is otherwise eligible to register to vote.”;

In said section 4, by striking out, in line 65, the word “Each” and inserting in place thereof the following words:- “In accordance with the memorandum of understanding required by subsection (b), each”;

In said section 4, by inserting after the figure “65”, in line 68, the following:- “; provided, however, that an applicant who meets the qualifications to register to vote, does not decline to register to vote and completes a qualifying transaction with an automatic voter registration agency not less than 21 days prior to an election shall be entitled to vote in that election”;

In said section 4, in proposed subsection (d) of proposed section 42G½ of chapter 51 of the General Laws, by striking out the last sentence;

In said section 4, by striking out proposed subsection (e) of proposed section 42G½ of chapter 51 of the General Laws, and inserting in place thereof the following subsection:-

“(e) For each applicant, an automatic voter registration agency shall transmit electronic records containing information on the applicant’s legal name, age, residence, citizenship and the applicant’s electronic signature to the state secretary who shall transmit the same to the board of registrars or election commission of the city or town in which the person resides in a manner prescribed by the state secretary. An automatic voter registration agency may consult with the registry of motor vehicles or other agencies to augment data to be transmitted in a manner prescribed by the state secretary. An automatic voter registration agency shall not transmit a record that contains: (i) a home address designated as confidential pursuant to section 8 of chapter 9A, or (ii) any record that does not clearly and consistently contain both the applicant’s electronic signature and sworn or verified information for the applicant’s: (A) legal name; (B) age; (C) residence; and (D) citizenship.”;

In said section 4, by striking out, in line 97, the words “as the state secretary deems necessary or”; and

UNCORRECTED PROOF.

In section 7, by striking out proposed subsection (a) of proposed section 65 of chapter 51 of the General Laws and inserting in place thereof the following subsection:- “(a) For purposes of this section, the term ‘automatic voter registration’ shall have the meaning assigned to it in section 42G ½ and the term ‘Registrars’ or ‘registrars of voters’ shall have the meaning assigned to it in section 1 of chapter 50.”;

In said section 7, by striking out proposed clause (5) of proposed subsection (b) of proposed section 65 of chapter 51 of the General Laws and inserting in place thereof the following subsection:- “(5) determining the extent to which automatic voter registration materials should be provided in languages other than English and Spanish, if necessary to comply with the National Voting Rights Act; and”;

By striking out section 10; and

By striking out section 12 and inserting in place thereof the following section:- “SECTION 12. Sections 2, 3, 4, 7 and 8 shall take effect on January 1, 2020.”

Pending the question on adoption of the amendment and pending the main question on ordering the bill to a third reading, at seventeen minutes past twelve o’clock noon, at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at twenty-one minutes before one o’clock P.M., the Senate reassembled, the President in the Chair.

Recess.

The House Bill automatically registering eligible voters and enhancing safeguards against fraud (House, No. 4671),-- was further considered, the main question being on adoption of the amendment.

The pending amendment (Spilka) was then adopted.

The bill (House, No. 4671) was then ordered to a third reading and read a third time.

Voter registration.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at one minute past one o’clock P.M., on motion of Ms. Creem, as follows, to wit (yeas 38 – nays 0) [**Yeas and Nays No. 438**]:

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 eleven minutes past one

o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

There being no objection, the following matter was taken out of order and considered as follows:

The Senate Bill relative to the Massachusetts teachers retirement system (Senate, No. 2209),-- was read a second time.

Teachers,--
retirement system.

After remarks, the pending amendment, previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2592),-- was considered and it was adopted.

The bill (Senate, No. 2592) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

There being no objection, during consideration of the Orders of the Day, the following matter was considered, as follows:--

PAPER FROM THE HOUSE

Engrossed Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to protecting the rights of custodial and other non-teaching employees of school districts (see House, No. 1390) [for message, see House, No. 4556],— came from the House with the endorsement that the House had *rejected* the amendment recommended by the Governor, and had adopted the following amendment striking out all after the enacting clause and inserting in place thereof the following:

School districts,--
non-teaching
employees.

“Section 59B of chapter 71 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the word “chapter”, in line 14, the following words:- ; provided, however, that the promotion and discipline, up to and including termination, of employees in custodial, maintenance and other non-teaching positions shall be conducted in accordance with any governing collective bargaining agreement.”

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Pacheco.

The Governor’s amendment was then *rejected*.

The House amendment was then considered; and it was adopted, in concurrence (as corrected BTR).

Sent to the House for re-enactment.

Recess

At twenty-seven minutes past one o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at twenty-two minutes past two o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

Quorum

At a twenty-three minutes past two o'clock P.M, Mr. Keenan doubted the presence of a quorum.

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.

Subsequently, at twenty-five minutes before three o'clock P.M., a quorum was declared present.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill promoting climate change adaptation, environmental and natural resource protection, and investment in recreational assets and opportunity (House, No. 4613),-- was read a second time.

Environmental bond bill.

Pending the question on adoption of the amendment, previously recommended by the committee on Ways and Means, that the pending Bonding, Capital Expenditures and State Assets pending new text Senate document numbered 2590 be amended by striking all after the enacting clause and inserting in place thereof the text of Senate document numbered 2591, and pending the main question on ordering the bill to a third reading, Messrs. Pacheco, Cyr, Brady, Feeney, Welch and Lesser and Ms. L'Italien moved that the proposed new text be amended in section 16, by inserting in proposed section 10 the following subsections:-

3

“(d) There shall be an advisory group to assist the secretaries in developing, maintaining and implementing the integrated climate adaptation and hazard mitigation plan, in accordance and integrated with the requirements and intent of 44 CFR §201.4(b) and section 10. The planning process shall include coordination with other state agencies, appropriate federal agencies, interested groups, and be integrated to the extent possible with other ongoing state planning efforts as well as other adaptation and mitigation programs and initiatives emphasizes the valuable role of collaboration among various sectors to ensure adaptation and mitigation capabilities continually develop and that comprehensive adaptation and mitigation includes strategies for all community systems. The advisory group shall consist of: the secretary of the energy and environmental affairs or a designee; the secretary of public safety and security or a designee; and up to 21 persons to be appointed by the secretary of energy and environmental affairs and the secretary of public safety and security, including but not limited to those agencies and stakeholders from sectors with expertise, mitigation capabilities and responsibility for: hazard data; climate projections and data; coastal zones and oceans; commercial, industrial and manufacturing activities; economic development; electric generation and transmission; floodplain management; ecosystem dynamics; emergency management; housing; health and social services; land use and development; municipal government; natural and cultural resources; freshwater systems; regional planning; transportation and built infrastructure; water supply and resources. Terms of the advisory group are as follows: (1) The secretary of energy and environmental affairs and the secretary of public safety and security shall jointly designate an appointee to serve as chair. (2) Non state agency members shall be appointed for terms of 3 years. The appointing authorities may fill any vacancy that occurs in an unexpired term. (3) The advisory group shall meet at least quarterly and at the discretion of the secretaries. The advisory group shall hold public meetings relative to matters within the jurisdiction of the adaptation management plan and shall make

recommendations to the secretaries for developing, maintaining and implementing the plan. The secretaries shall consider the recommendation of the advisory group. (4) The advisory group shall advise the secretaries regarding the following: identifying (i) how the secretaries can support existing adaptation, resilience and hazard mitigation efforts of state agencies; (ii) how stakeholders can play an active role assisting the efforts of state agencies, regional planning agencies and municipalities; (iii) how efforts can be best integrated across the public and private sector to enhance adaptation, build resiliency and mitigation climate change in a complementary fashion.

(e) Within 24 months of adoption of the plan, all executive branch agencies shall revise those rules, regulations and guidelines identified in the integrated state hazard mitigation and adaptation plan to ensure consistency with that plan.”

After remarks, the amendment was adopted.

Mr. Eldridge, Ms. O'Connor Ives and Ms. L'Italien moved that the proposed new text be amended by adding the following sections: 4

“SECTION XX. Subsection (b) of section 7 of chapter 21H of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in line 18, the words ‘food and agriculture’ and inserting in place thereof the following words:- environmental protection.

SECTION XX. Said subsection (b) of section 7 of chapter 21H is hereby amended by adding the following sentence:- Said department of environmental protection shall not delegate such regulatory authority to any other executive agency or allow for exception from such regulations for any type of composting operation.”

The amendment was adopted.

Messrs. Rush and Feeney moved that the proposed new text be amended in section 2, in item 2000-7074 by adding the following:- “provided further than not less than \$1,000,000 shall be expended for rehabilitation of the Willett Pond Dam located in the town of Norwood”. 7

After remarks, the amendment was adopted.

Messrs. Rush and Feeney moved that the proposed new text be amended by inserting after section 79 the following section:- 8

“SECTION 79A. There shall be a special commission to study and report on the feasibility of transferring ownership of Willett Pond and its appurtenances to the department of conservation and recreation to provide new public access for outdoor recreation and to preserve the species and ecosystem of the pond. The study shall examine costs related to the transfer, including transferring ownership at no cost to the commonwealth.

The commission shall consist of: 3 persons to be appointed by the speaker of the house of representatives; 3 persons to be appointed by the president of the senate; the secretary of energy and environmental affairs or a designee; the commissioner of conservation and recreation or a designee; the commissioner of fish and game or a designee; the chairs of the boards of selectmen of the towns of Walpole, Westwood and Norwood or their designees; a representative from the Willett Pond Charitable and Protection Association, Inc. or a designee; a representative from the North Walpole Fish and Game Club, Inc. or a designee; a representative from the Neponset River Watershed Association, Incorporated or a designee. The commission shall submit its recommendations, including drafts of any proposed legislation, by filing the same with the clerks of the senate and house of representatives not later than March 31, 2019.”

The amendment was adopted.

Mr. Rush moved that the proposed new text be amended in section 2C, in item 2000-7077 in line 462 by adding after the word “parks” the following:- “that are accessible and within a ten-minute walk,”. 9

The amendment was *rejected*.

Mr. Rush moved that the proposed new text be amended in section 2, in item 2840-7025 by adding the following:- “provided further, that the department of conservation and recreation, shall conduct a study on the feasibility to repair and reuse the property known as Havey Beach located in the West Roxbury section of the city of Boston; provided further, that the study shall evaluate the feasibility to repair and reuse the property to create an outdoor recreation center and investigate potential public and private partnerships for funding such a project; and provided further, that not less than \$150,000 shall be expended for the feasibility study”. 10

The amendment was adopted.

Mr. Rush moved that the proposed new text be amended in section 2, in item 2840-7025 by adding the following:- “provided further, that not less than \$3,000,000 shall be expended for the construction of the Roslindale Gateway Path located in the Roslindale section of the city of Boston”. 11

The amendment was adopted.

Mr. Rush and Ms. Chang-Diaz moved that the proposed new text be amended in section 2, in item 2890 -7034 by adding the following:- “provided further, that not less than \$3,000,000 shall be expended for improvements to the intersection of Walter Street and Centre Street in the Roslindale section of the city of Boston”. 12

The amendment was adopted.

Mr. Rush moved that the proposed new text be amended in section 2C, in item 2000-7077 by adding the following:- “provided further, that not less than \$250,000 shall be expended for the restoration of Old Village Cemetery located in the town of Dedham”. 13

The amendment was adopted.

Mr. Tarr moved that the proposed new text be amended in section 2, in item 2200-7022 by placing at the end thereof the following:- “provided further that not less than \$480,000 be expended for improvements to culverts along Topsfield Road in the town of Wenham”. 14

After remarks, the amendment was adopted.

Mr. Tarr moved that the proposed new text be amended in section 2, in item 2200-7022, by inserting at the end thereof the following:- “provided further that not less than \$500,000 be expended for the restoration of the Miles River which runs through the towns of Hamilton, Ipswich, Wenham, and the city of Beverly”. 15

After remarks, the amendment was adopted.

Mr. Tarr moved that the proposed new text be amended in section 2, in item 2200-7022 by adding at the end thereof the following:- “provided further that not less than \$775,000 be expended for the replacement of the Town Wharf Sewer Pumping Station in the town of Ipswich”. 16

After remarks, the amendment was adopted.

Mr. Tarr moved that the proposed new text be amended in section 2, in item 2000-7072 by adding at the end thereof the following:- “provided further, that not less than \$500,000 shall be expended for improvements to Ipswich River Park in the Town of North Reading”. 17

After remarks, the amendment was adopted.

Mr. Rodrigues moved that the proposed new text be amended in section 2, in item 2000-7072 by inserting at the end thereof the following:- “; provided further, 22

that no less than \$200,000 shall be expended for improvements around Cook pond in the city of Fall River”.

The amendment was adopted.

Mr. Rodrigues moved that the proposed new text be amended in section 2, in item 2000-2072 by inserting at the end thereof the following:- “; provided further, that no less than \$300,000 shall be expended to Bay Coast Rowing Center, Inc. for the refurbishment and upgrade of an existing boat house building to house a community boating program in the city of Fall River”.

The amendment was adopted.

Mr. Moore moved that the proposed new text be amended in section 2, in item 2200-7022, by adding the following words:- “; provided further, \$732,500 shall be expended on the Westboro road route 30 sewer extension project in the town of Grafton”.

The amendment was adopted.

Mr. Rodrigues moved that the proposed new text be amended in section 2, in item 2840-7025 by inserting the following:- “; provided further, that any funds expended under this item, or under item 2840-7024 authorized under chapter 286 of the acts of 2014, for capital improvements to the Horseneck Beach State Reservation in the town of Westport shall be subject to the restriction that the department shall not relocate any of the existing 32 waterfront campsites at the Horseneck Beach campgrounds as a result of such improvements”.

The amendment was adopted.

Mr. Moore moved that the proposed new text be amended in section 2, in item 2000-7074, by adding the following words:- “; provided further, that \$800,000 shall be expended to replace the Waite Pond Dam in the town of Leicester; provided further, \$657,500 shall be expended for dam repairs in the town of Upton”.

After remarks, the amendment was adopted.

Mr. Moore moved that the proposed new text be amended in section 2, in item 2000-7077, by adding the following words:- “; provided further, \$500,000 shall be expended for brownfield site reclamation and cleanup at 2040 Providence Road in the town of Northbridge”.

The amendment was adopted.

Mr. Keenan moved that the proposed new text be amended by adding the following section:-

“SECTION XX. Notwithstanding any general or special law to the contrary, access to any island within Boston Harbor on which is located a facility or structure on the National Register of Historic Places by any mode which originates from or requires access through any municipality other than the City of Boston shall require the approval of a majority of the governing body and the chief executive officer of said municipality.”

The amendment was *rejected*.

Mr. Moore moved that the proposed new text be amended in section 2, in item 2840-7025, by adding the following words:- “; provided further, \$1,681,000 shall be expended for the athletic field project in the town of Millbury; provided further, \$528,000 shall be expended for the rehabilitation of Round Pond in the town of Millbury”.

The amendment was adopted.

Mr. Moore moved that the proposed new text be amended in section 2, in item 2000-7075, by adding the following words:- “; provided further, \$100,000 shall be expended for invasive aquatic plant species eradication in lake Quinsigamond in the

towns of Grafton and Shrewsbury and in the city of Worcester”.

The amendment was adopted.

Mr. Moore moved that the proposed new text be amended in section 2, in item 2840-7025, by adding the following words:- “; provided further, \$1,000,000 shall be expended for park and playground improvements in the town of Auburn”.

The amendment was adopted.

Mr. Rodrigues moved that the proposed new text be amended in section 2, in item 2800-7014, by inserting the following:- “; provided further, that no less than \$5,500,000 shall be expended for the preservation of historical naval vessels berthed in Battleship Cove in the city of Fall River”.

After remarks, the amendment was adopted.

Ms. Friedman moved that the proposed new text be amended in section 2, in item 2200-7022, by adding the following words:- “; provided further, that not less than \$3,000,000 shall be expended for design, planning and preconstruction of a new water transmission main connecting the Massachusetts Water Resources Authority Arlington transmission main line with the town of Burlington”.

The amendment was adopted.

Ms. Friedman moved that the proposed new text be amended in section 2C, in item 2000-7078, by adding the following words:- “; provided further, that not less than \$1,000,000 shall be expended for planning and design, engineering and construction of the community center to Lexington high school greenways connector in the town of Lexington”.

After remarks, the amendment was adopted.

Ms. Friedman moved that the proposed new text be amended in section 2, in item 2840-7025, by adding the following words:- “; provided further, that not less than \$1,000,000 shall be expended for Mill brook bank stabilization in the town of Arlington; provided further, that not less than \$1,000,000 shall be expended for Mill brook culvert and outfall repair and improvement in the town of Arlington”.

The amendment was adopted.

Mr. Hinds moved that the proposed new text be amended in section 2A, in item 2000-7078, by adding the following words:- “; provided further, that \$500,000 shall be expended for trail linkages and for trail projects, including design and construction of infrastructure, for the creation of the Highlands footpath between the towns of Lee and Goshen”.

After remarks, the amendment was adopted.

Mr. Hinds moved that the proposed new text be amended in section 2, in item 2840-7025, by adding the following words:- “; provided further, that not less than \$2,300,000 shall be expended for the construction of the outdoor center, campgrounds, recreational trail system and event parking area at the Greylock glen in the town of Adams”.

The amendment was adopted.

Mr. Hinds moved that the proposed new text be amended in section 2, in item 2000-7074, by adding the following words:- “; provided further, that \$250,000 shall be provided to the city of Pittsfield for repairs to the Wild Acres dam”.

The amendment was adopted.

Mr. Hinds moved that the proposed new text be amended in section 2, in item 2800-7031, by adding the following words:- “; provided further, that \$30,000 shall be expended to conduct a feasibility study on the eradication of zebra mussels at Laurel lake in the town of Lee”.

The amendment was adopted.

Mr. Hinds moved that the proposed new text be amended in section 2A, in item 2000-7078, by adding the following words:- “; provided further, that not less than \$800,000 shall be expended to identify, develop, map, market and construct trails for the purpose of mountain biking in Berkshire, Hampshire, Franklin and Hampden counties”.

The amendment was adopted.

Mr. Hinds moved that the proposed new text be amended in section 2, in item 2000-7074, by adding the following words:- “; provided further, that \$500,000 shall be provided to the town of Ashfield for mitigation of the Ashfield Lake dam”.

The amendment was adopted.

Mr. Hinds moved that the proposed new text be amended in section 2, in item 2800-7014, by adding the following words:- “; provided further, that not less than \$120,000 shall be provided to the town of Mount Washington for repairs to the guard-railed culvert of the southern intersection of East Street and West Street”.

The amendment was adopted.

Ms. O'Connor Ives moved that the proposed new text be amended in section 2, in item 2200-7022, by adding the following: “provided further, that not less than \$750,000 shall be expended for coastal shoreline stabilization, PCB removal and storm surge protection of the Newburyport Clipper City Rail Trail for redesign and construction along the Merrimack River”.

After remarks, the amendment was adopted.

Ms. O'Connor Ives moved that the proposed new text be amended in item 2000-7022, by adding the following: “provided further, that \$500,000 shall be expended to extend the James J. Fiorentini Rail Trail and further construct access infrastructure to the Merrimack River in the city of Haverhill”.

The amendment was adopted.

Ms. O'Connor Ives moved that the proposed new text be amended in item 2200-7016, by adding the following: “provided further, that \$500,000 shall be expended for the Coastal Metals Brownfields Site Cleanup, the closure of the landfill and the Bear Hill Culvert Replacement and Water Infrastructure improvements in the town of Merrimac”.

The amendment was adopted.

Ms. O'Connor Ives moved that the proposed new text be amended in item 2200-7016, by adding the following: “provided further, that \$500,000 shall be expended for the demolition of the former Microfab building in the city of Amesbury”.

The amendment was adopted.

Mr. deMacedo moved that the proposed new text be amended by adding the following sections:

“SECTION XX. Section 1 of chapter 164 of the General Laws, as appearing in the 2016 official edition, is hereby amended by inserting, after the definition of ‘Mitigation,’ the following definition:-

‘Nantucket Sound’, the water and seabed located below the mean low-water line that lie between the southern shore of Cape Cod, between Monomoy and Mashpee, and the islands of Martha’s Vineyard and Nantucket.

SECTION XX. Said chapter 164 is hereby amended by inserting after section 69S the following section:-

The board may not authorize, fund, or take any action to carry out development of an offshore wind electric generating facility located in whole or in part within Nantucket Sound or any transmission facility connected thereto, regardless of whether such wind energy generation facility is subject to the jurisdiction of the

board. Nothing in this section shall limit the ability of the board to authorize, fund, or take action on development of electric transmission facilities that exclusively serve or support offshore wind electric generating facilities not located within Nantucket Sound.”

The amendment was *rejected*.

Ms. O'Connor Ives moved that the proposed new text be amended in item 2200-7072, by adding the following: “provided further, that \$1,000,000 shall be expended for culvert upgrades to reduce flooding and increase coastal resiliency in the Ring’s Island area and Ferry and March Roads in the town of Salisbury”.

73

The amendment was adopted.

Ms. O'Connor Ives and Mr. Tarr moved that the proposed new text be amended in item 2200-7016, by adding the following: “provided further, that \$2,000,000 shall be expended to install a backup generator to the Greater Lawrence Sanitary District's Riverside Pump Station to prevent the spill of untreated sewerage into the Merrimack River in cases of long-term power outages”.

74

The amendment was adopted.

Messrs. Cyr and Tarr moved that the proposed new text be amended by adding the following section:-

75

“SECTION X. A special legislative commission is hereby establish for the purpose of making investigation and study relative to ocean acidification. The commission shall: (i) identify the actual and potential effects of coastal and ocean acidification on commercially valuable marine species; (ii) identify the scientific data and knowledge gaps that may hinder the commonwealth’s ability to craft policy and other responses to coastal and ocean acidification; and (iii) prioritize the strategies for filling those gaps to provide policies and tools to respond to the adverse effects of coastal and ocean acidification on commercially important fisheries and the commonwealth’s shellfish aquaculture industry.

(b) The commission shall consist of 19 members: the house and senate chairs of the joint committee on environment, natural resources and agriculture, who shall be designated as co-chairs of the commission; 3 members of the senate, 2 of whom shall be appointed by the senate president and 1 of whom shall be appointed by the minority leader of the senate; 3 members of the house of representatives, 2 of whom shall be appointed by the speaker of the house and of 3 whom shall be appointed by the minority leader of the house of representatives; 8 members who shall be appointed by the governor, 2 of whom shall be representatives of an environmental or community group, 3 of whom shall be commercial fishermen including at least 1 holder of a shellfish aquaculture license, 1 holder of a commercial fisherman permit (lobster), and 1 holder of a commercial fisherman permit (shellfish), 3 of whom shall be scientists who have studied coastal or ocean acidification; the director of marine fisheries or their designee; the commissioner of environmental protection or their designee; and the director of coastal zone management or their designee.

(c) All appointments shall be made no later than 30 days following the effective date of this act. The co-chairs shall convene the first meeting of the special commission within 45 days of all appointments being made.

(d) The commission shall meet a minimum of 4 times to review, study and analyze existing scientific literature and data on coastal and ocean acidification and how it has affected or potentially will affect commercially harvested and grown species along the coast of the commonwealth and shall address: (i) the factors contributing to coastal and ocean acidification; (ii) how to mitigate coastal and ocean acidification; (iii) critical scientific data and knowledge gaps pertaining to coastal and ocean acidification as well as critical scientific data and knowledge gaps

pertaining to the effects of coastal and ocean acidification on species that are commercially harvested and grown along the commonwealth's coast; (iv) steps to strengthen existing scientific monitoring, research and analysis regarding the causes of and trends in coastal and ocean acidification; and (v) steps to take to provide recommendations to the legislature and increase public awareness of coastal and ocean acidification.

(e) The commission shall include in its review of the relevant scientific literature and data the results of studies presented at the conferences or workshops held in new england or the northeast region that relate to coastal and ocean acidification, and shall coordinate with the Northeast Coastal Acidification Network and the National Caucus of Environmental Legislators to prevent duplication of effort. The commission shall conduct public hearings to gather information and the joint committee on environment, natural resources and agriculture shall provide staff and other resources as the co-chairs of the commission consider appropriate. The commission shall submit a report of its findings and recommendations, together with drafts of legislation necessary to carry out those recommendations, by filing the same with the clerks of the house of representatives and the senate, and with the joint committee on environment, natural resources and agriculture no later than December 31, 2018.”

The amendment was adopted.

Messrs. Cyr and O'Connor moved that the proposed new text be amended in section 2, in item 2000-7073, by inserting after the word “projects” in line 78, the following:- “; provided further, that not less than \$660,000 shall be expended per year for the Massachusetts Bays National Estuary Program, as match for Federal cooperative grants received under Section 320 of the Federal Clean Water Act, for the purposes of implementing a comprehensive plan for coastal habitat protection and restoration related to coastal resilience”.

82

The amendment was *rejected*.

Mr. Eldridge, Ms. L'Italien and Messrs. Lesser, Cyr and O'Connor moved that the proposed new text be amended by striking out, in lines 133 and 134, the words “For investment in water and air quality protection, including, but not limited to,” and inserting in place thereof the following words:- “For investment in water and air quality protection; provided that no less than \$50,000,000 shall be expended for”.

91

The amendment was *rejected*.

Mr. deMacedo moved that the proposed new text be amended in section 2, in item 2000-7074, by adding the following: “; provided further that \$500,000 shall be expended for the removal of the Jones River Dam in Kingston;”.

92

The amendment was adopted.

Mr. deMacedo moved that the proposed new text be amended in section 2, in item 2000-7072, by adding the following: “provided further that \$1,000,000 shall be expended for the reconstruction of the Sandwich Boardwalk providing access to Town Neck Beach in the town of Sandwich;”.

93

The amendment was adopted.

Mr. deMacedo moved that the proposed new text be amended in section 2, in line item 2000-7073, by adding the following: “; provided further, that \$1,000,000 shall be allocated to the Marine Biological Laboratory for the restoration of the seawall located at Waterfront Park in the town of Falmouth”.

95

The amendment was adopted.

Messrs. Tarr and O'Connor moved that the proposed new text be amended by inserting the following 2 sections:-

96

“SECTION XX. Section 21 of chapter 25 of the General Laws, as so appearing, is hereby amended by striking out in lines 4, 14, 19, 24, and 101, the word ‘reduction’, and inserting in place thereof, in each instance, the following word:- management; by striking out, in line 11, the word “electric” and inserting in place thereof the following word:- energy; by inserting after the words ‘management programs,’ in line 34, the following words:- including energy storage and other active demand management technologies, and strategic electrification, such as measures that are designed to result in cost-effective reductions in greenhouse gas emissions through the use of expanded electricity consumption while minimizing ratepayer costs.”;

By striking out, in line 51, the word “and”; and

By inserting after the word “management,” in line 52, the following words:- “; and (J) programs that result in customers switching to renewable energy sources or strategic electrification”.

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting after section _ the following sections:-

100

“SECTION _ . Subsection (a) of section 3 of chapter 23M of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the word ‘entity’, in line 4, the following words:- and to establish and administer a third-party financing program.

SECTION _ . Subsection (g) of said section 3 of said chapter 23M, as so appearing, is hereby amended by striking out, in lines 130 to 131, the words ‘and remedies’.

SECTION _ . Said subsection (g) of said section 3 chapter 23M, as so appearing, is hereby further amended by inserting after the sixth sentence the following sentence:- In the event a lien for property taxes of the municipality is foreclosed, the betterment assessment lien shall be extinguished solely with regard to any installments that were due and owing on the date of foreclosure of such tax lien, and the betterment assessment lien shall otherwise survive such foreclosure.

SECTION _ . Said subsection (g) of said section 3 of said chapter 23M, as so appearing, is hereby further amended by striking out, in line 141, the words ‘judgment of’.

SECTION 20. Said subsection (g) of said section 3 of said chapter 23M, as so appearing, is hereby further amended by striking out, in lines 143 to 144, the word ‘judgment’, and inserting in place thereof the following word:- foreclosure.

SECTION _ . Subsection (h) of said section 3 of said chapter 23M, as so appearing, is hereby amended by striking out, in lines 158 to 159, the words ‘and a suit on the debt,’ and inserting in place thereof the following words:- in a manner consistent with the rights afforded a mortgagee under the provisions of section 21 of chapter 183, and an action of contract or any other appropriate action, suit or proceeding.”

After remarks, the amendment was *rejected*.

Mr. Eldridge, Ms. Creem, Ms. L'Italien, Messrs. Feeney, Collins and Hinds, Ms. Jehlen and Mr. Crighton moved that the proposed new text be amended by adding the following section:

102

“SECTION XX. The General Laws are hereby amended by inserting after chapter 21O the following chapter:-

CHAPTER 21P.

PLASTIC BAG REDUCTION

Section 1. As used in this chapter, the following words shall have the following

meanings unless the context clearly requires otherwise:

‘Postconsumer recycled material’, a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Postconsumer recycled material does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.

‘Recycled paper bag’, a paper bag that is (i) 100 per cent recyclable; (ii) contains a minimum of 40 per cent postconsumer recycled materials, provided, however, that an 8 pound or smaller recycled paper bag shall contain a minimum of 20 per cent postconsumer recycled material; and (iii) displays the words ‘Recyclable’ and ‘made from 40% post-consumer recycled content’ or other applicable amount in a visible manner on the outside of the bag.

‘Reusable grocery bag’, a sewn bag with stitched handles that is (i) specifically designed and manufactured for at least 175 uses; (ii) can carry 25 pounds over a distance of 300 feet; and (iii) is made of cloth or other machine-washable fabric other than polyethylene or polyvinyl chloride.

‘Single-use carryout bag’, a bag made of plastic, paper, or other material that is provided by a store to a customer at the point of sale and that is not a recycled paper bag or a reusable grocery bag. A single-use carryout bag does not include the following: (i) a paper bag provided by a pharmacy to a customer purchasing a prescription medication; (ii) a non-handled bag used to protect items from damaging or contaminating other purchased items placed in a recycled paper bag or a reusable grocery bag; (iii) a bag provided to contain an unwrapped food item; or (iv) a non-handled bag that is designed to be placed over articles of clothing on a hanger.

‘Store’, a retail establishment, person, corporation, partnership, business venture, or vendor that sells or provides merchandise, goods or materials directly to a customer, whether for or not for profit, including but not limited to restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, farmers markets, public markets, jewelry stores, and household goods stores, provided however, the term store does not include bazaars, fairs or festivals operated by nonprofit organizations or religious institutions.

Section 2. (a) On and after August 1, 2019, a store shall not provide a single-use carryout bag to a customer at the point of sale.

(b) The department of environmental protection shall promulgate regulations with regard to the enforcement of this chapter.

Section 3. Nothing in this chapter shall preempt further limitation of single-use carryout bags by any political subdivision of the Commonwealth enacted after the enactment of this law; provided, however, that any existing ordinance or by-law banning plastic bags shall be null and void on August 1, 2019.”

After remarks, the amendment was adopted.

Mr. Montigny moved that the proposed new text be amended in section 2, in item 2000-7072, by inserting the following:- “; provided further, that not less than \$1,500,000 shall be expended to the Community Boating Center, Inc. for the creation of a community boating center in the South End of the city of New Bedford to provide financially disadvantaged children with sailing, youth development, and extracurricular opportunities”.

105

The amendment was adopted.

Mr. Montigny moved that the proposed new text be amended in section 2, in item 2000-7072, by inserting the following:- “; provided further, that not less than \$1,500,000 shall be expended to the Buzzards Bay Coalition, Inc. for the acquisition and conservation of Crow Island in the town of Fairhaven to provide open, public

106

access to coastal space in New Bedford-Fairhaven Harbor through sailing, rowing, kayaking, and other water-dependent activities”.

The amendment was adopted.

Messrs. Cyr and O'Connor moved that the proposed new text be amended in section 2, in item 2200-7022, by inserting after the word “plan” in line 170, the following words:- “; provided further, that \$4,000,000 shall be expended for the Center for Coastal Studies to evaluate the efficacy of adaptive management measures to reduce nitrogen pollution of coastal waterways undertaken pursuant to an approved area-wide water quality plan and to monitor and report on the water quality of areas subject to said plan and to support further assessment and water quality modeling to further refine said plan”.

107

The amendment was *rejected*.

Mr. Montigny moved that the proposed new text be amended in section 2, in item 2890-7034, by inserting the following:- “; provided further, that not less than \$500,000 shall be expended to the South Coast Bikeway Alliance, Inc. for the feasibility study, design, and construction of the Southcoast Scenic Greenway project in New Bedford, Dartmouth, Westport, and Fall River”.

108

After remarks, the amendment was adopted.

Mr. Montigny moved that the proposed new text be amended in section 2, in item 2000-7073, by inserting the following:- “; provided further, that not less than \$150,000 shall be expended for seawall restorations at Apponagansett Park in the Town of Dartmouth”.

110

The amendment was adopted.

Mr. Rush moved that the proposed new text be amended by adding the following section:-

114

“SECTION XX. Notwithstanding any general or special law to the contrary, the department of conservation and recreation shall conduct a study of a certain parcel of land that was conveyed pursuant to chapter 851 of the acts of 1977 to ensure that the current use of the land complies with the terms of said chapter 851 and the terms of the conveyance executed pursuant to said chapter 851 and shall issue a report on its findings to the senate and house committees on ways and means not later than July 1, 2019.”

The amendment was adopted.

Messrs. Welch and Lesser moved that the proposed new text be amended in section 2C, in item 2000-7077, by inserting at the end thereof the following:- “provided further that \$2,500,000 be expended to reopen the access park road in Blunt Park between Roosevelt Avenue and Tapley Street. Improvements will include LED lighting, pedestrian and bikeways and all road materials will be impervious asphalt protecting the adjacent wetlands in the city of Springfield”.

116

The amendment was adopted.

Messrs. Welch and Lesser moved that the proposed new text be amended in section 2, in item 2000-7074, by inserting at the end thereof the following:- “provided further that \$2,500,000 shall be expended on dams in the city of Springfield”.

117

The amendment was adopted.

Mr. Tarr moved that the proposed new text be amended in section 2, in item 2000-7073, by adding at the end thereof the following:- “provided further that not less than \$2,500,000 be expended for planning development and construction to the Long Beach Seawall in the town of Rockport”.

119

The amendment was adopted.

Messrs. Lesser and Welch moved that the proposed new text be amended in section 2, in item 2890-7034, by adding the following words:- “; provided further, that \$3,750,000 shall be expended to improve Forest Park roadways with impervious asphalt thus improving the drainage and run off into our lakes and ponds, repair and upgrade Forest Park Erosion caused by increased storm damage and Blunt Park roadway improvements with impervious asphalt further protecting the wetlands in this park in the city of Springfield”; and by striking out the figure “\$160,000,000” and inserting in place thereof the following figure:- “\$163,750,000”. 120

The amendment was *rejected*.

Mr. Ross moved that the proposed new text be amended in section 2, in item 2890-7034, by inserting at the end thereof the following:- “provided further, that not less than \$15,000 shall be expended to the town of Millis to replace existing water booster pump station;”. 121

The amendment was adopted.

Ms. Chang-Diaz moved that the proposed new text be amended in section 2, in item 2000-7072, by adding the following:- “provided further, that \$100,000 shall be expended to construct a community garden in Mission Hill”. 122

The amendment was adopted.

Mr. Ross moved that the proposed new text be amended in section 2, in item 2890-7034, by inserting at the end thereof the following:- “provided further, that not less than \$2,000,000 shall be expended for the design, acquisition and construction of multipurpose trails in the town of Natick;”. 123

The amendment was adopted.

Mr. Ross moved that the proposed new text be amended in section 2, in item 2200-7022, by inserting at the end thereof the following:- “provided further, that not less than \$50,000 shall be expended to the Town of Sherborn to conduct an environmental impact study and related engineering at the intersection of Coolidge Street and Speen Street;”. 124

The amendment was adopted.

Ms. Chang-Diaz moved that the proposed new text be amended in section 2, in item 2000-7072, by adding the following: “provided further, that no less than \$50,000 shall be expended to promote environmental initiatives in the Roxbury neighborhood of Boston”. 126

The amendment was adopted.

Ms. Chang-Diaz moved that the proposed new text be amended in section 2, in item 2840-7025, by adding the following:- “provided further, that \$1,000,000 shall be expended for the planning and construction of a park in the Mildred C. Hailey apartments in the Jamaica Plain neighborhood of Boston”. 127

The amendment was adopted.

Mr. Lewis moved that the proposed new text be amended in section 2, in item 2890-7034, by adding the following: “provided further, that not less than \$175,000 shall be expended to the towns of Stoneham and Winchester for pedestrian and bicycle safety, traffic calming, landscape improvements, street lighting, safety equipment, and accessibility improvements on the Tri-Community Greenway”. 130

The amendment was adopted.

Ms. Chang-Diaz moved that the proposed new text be amended in section 2, in item 2840-7025, by adding the following: “provided further, that not less than \$400,000 shall be expended for renovation of the tot lot, passive areas, and athletic field at the Crawford Street Playground in the city of Boston”. 131

The amendment was adopted.

Ms. Chang-Diaz moved that the proposed new text be amended in section 2, in item 2890-7034, by adding the following: “provided further, that \$2,000,000 shall be expended for improvements to the Southwest Corridor park in the city of Boston”.

The amendment was adopted.

Mr. Eldridge moved that the proposed new text be amended in section 2, by inserting after the word “plan;” in line 170 the following:- “provided further, that not less than \$6,000,000 be expended for a smart sewer project in the town of Littleton”.

The amendment was adopted.

Mr. Ross moved that the proposed new text be amended in section 2, in item 2840-7025, by inserting at the end thereof the following:- “provided further, that not less than \$400,000 shall be expended for rehabilitation of playgrounds in the town of Wayland;”.

After remarks, the amendment was adopted.

Mr. Tarr moved that the proposed new text be amended in section 2, in item 2000-7071, by inserting at the end thereof the following:- “provided further that not less than \$350,000 shall be expended for the conversion of 31 Plum Island Boulevard to an emergency response facility”.

The amendment was adopted.

Messrs. Humason, Welch, Hinds and Cyr moved that the proposed new text be amended in section 2, by adding the following item:-

“XXXX-XXXX For the design, construction, preservation, reconstruction and repair of or improvements to nonfederally-aided bridges, with span lengths of not more than 10 feet, and culverts within rural communities as defined by Section 66 of chapter 23A of the General laws; provided, that expenditures from this item may include the costs of engineering, design, permitting and other services essential to these projects; provided further, that a city or town shall comply with the procedures established by the department with respect to the small bridge program; provided further, that the department shall only enter into obligations for projects under this item based upon a prior or anticipated future commitment of funds from cities and towns in which a such project is located or which are otherwise served by such project and the availability of corresponding municipal funding authorized provided for use in connection with the project for which the obligation applies; provided further, that the department shall develop a plan for project selection that takes into account need-based criteria and geographic distribution to be filed with the joint committee on transportation and the clerks of the house and senate not later than September 1, 2018; and provided further, that no amounts appropriated under this item shall be expended for bridges or approaches owned by or under the control of the department or the Massachusetts Bay Transportation Authority.....\$25,000,000”.

After remarks, the amendment was *rejected*.

Mr. Lewis moved that the proposed new text be amended in section 2, in line item 2840-7025, by adding the following:- “; provided further, that not less than \$1,575,000 shall be expended for improvements to Fellsmere Park in the city of Malden”.

The amendment was adopted.

Ms. Chang-Diaz moved that the proposed new text be amended in section 2, in item 2840-7025, by adding the following: “provided further, that not less than \$300,000 shall be expended for planning and construction of a recreational area at 40-48 Geneva Avenue in the Grove Hall section of Boston”.

After remarks, the amendment was adopted.

Ms. Creem moved that the proposed new text be amended by inserting after section 20 the following section:-

“SECTION 20A. Chapter 85 of the General Laws is hereby amended by adding the following section:-

UNCORRECTED PROOF.

Section 38. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

‘Correlated color temperature’, the apparent hue of the light emitted by a fixture, expressed in kelvins.

‘Direct light’, light emitted by a fixture, whether from the light source or a reflector or through a refractor.

‘Façade lighting’, a permanent outdoor fixture that is specifically intended to illuminate the exterior surface of a building or structure.

‘Fixture’, a complete lighting unit, including a light source together with the parts designed to distribute the light, to position and protect the light source and connect the light source to the power supply.

‘Fixture lumens’, total lumens emitted by a fixture.

‘Fully shielded fixture’, a fixture that emits no direct light above a horizontal plane through the fixture’s lowest light-emitting part, in its mounted position.

‘Glare’, light emitted by a fixture that causes visual discomfort or reduced visibility.

‘Illuminance’, the luminous power incident per unit area of a surface.

‘Light trespass’, light that falls beyond the property it is intended to illuminate.

‘Lumen’, a standard unit of measurement of the quantity of light emitted from a source of light.

‘Ornamental roadway lighting’, a roadway-lighting fixture that serves a decorative function in addition to a roadway-lighting function and that has a historical period appearance or decorative appearance.

‘Parking-lot lighting’, a permanent outdoor fixture specifically intended to illuminate an uncovered vehicle-parking area.

‘Part-night service’, a rate charged by a utility company to provide unmetered electricity for permanent outdoor fixtures that operate for only a portion of each night’s dusk-to-dawn cycle.

‘Permanent outdoor fixture’, a fixture for use in an exterior environment installed with mounting not intended for relocation.

‘Roadway lighting’, a permanent outdoor fixture specifically intended to illuminate a public roadway.

‘Sky glow’, scattered light in the atmosphere that is caused by light directed upward or sideways from fixtures, reducing an individual’s ability to view the natural night sky.

‘State funds’, bond revenues or money appropriated or allocated by the general court.

(b) State funds shall not be used to install a new permanent outdoor fixture or to pay for the cost of operating a new permanent outdoor fixture except:

(i) for roadway lighting or parking-lot lighting, whether mounted to poles, buildings or other structures and the fixture is fully shielded;

(ii) for a building-mounted fixture not specifically intended for roadway lighting, parking-lot lighting or façade lighting and the fixture is fully shielded when its initial fixture lumens is greater than 3000 lumens;

(iii) for façade lighting and the fixture is shielded to reduce glare, sky glow and light trespass to the greatest extent possible;

(iv) for an ornamental roadway lighting fixture and the fixture emits not more than 700 lumens above a horizontal plane through the fixture’s lowest light-emitting part;

(v) where the light emitted by the fixture has a correlated color temperature that is not greater than 3000 kelvins.

(vi) for roadway lighting unassociated with intersections of 2 or more streets or highways where the Massachusetts Department of Transportation has determined that the purpose of the fixture installation cannot be achieved by installation of a reflectorized roadway marker, line, warning or informational sign or other passive means.

(c) This section shall not apply: (i) if it is preempted by federal law; (ii) if the outdoor lighting fixture is used temporarily for an emergency procedure or road repair; (iii) to navigational and other lighting systems necessary for aviation and nautical safety; (iv) to lighting for an athletic playing area provided, however, that a fixture used for an athletic field playing area shall be selected and installed so as to minimize glare, light trespass and sky glow outside that area; (v) if a compelling and bona fide safety or security need exists that cannot be addressed by another reasonable method; (vi) to the replacement of a previously installed permanent outdoor fixture that is destroyed, damaged or inoperative, has experienced electrical failure due to failed components, or requires standard maintenance; (vii) to lighting intended for a tunnel or roadway underpass; or (viii) to a special event or situation that might require additional illumination including, but not limited to, the illumination of a historic structure, monument or flag provided, however, that the illumination shall be selected and installed to minimize glare, light trespass and sky glow to the greatest extent possible.

(d) The department of energy resources, in consultation with the Massachusetts Department of Transportation, shall develop and promulgate regulations to implement and enforce this section. The regulations shall include a system to ensure that the use of state funds, including, but not limited to, operating costs for new permanent outdoor fixtures for roadway lighting or parking lot lighting installed by electric distribution companies and municipal aggregators, comply with this section.” and

By inserting after section 79 the following 4 sections:-

“SECTION 79A. The department of energy resources shall promulgate guidelines for illumination by new permanent outdoor fixtures for applications under section 38 of chapter 85 of the General Laws so that the illuminance levels required for the intended purpose as defined in the most recent edition of The Lighting Handbook published by the Illuminating Engineering Society shall be used; provided, however, that if a municipal or county ordinance or regulation specifies a different illuminance level, the illuminance level required for the intended purpose by the ordinance or regulation may be used.

SECTION 79B. The Massachusetts Department of Transportation shall review and issue a report on roadway lighting and lighting operational costs. The report shall include a review of warranting and other criteria for roadway lighting and an analysis of lighting operational costs, actions taken by the department to comply with current standards, procedures and accepted best practices relative to roadway lighting and a plan to reduce lighting operational costs through the replacement of existing lower-wattage, fully shielded fixtures and the replacement of unnecessary roadway lighting with the installation of passive safety measures. The department shall issue its report to the department of energy resources and the clerks of the senate and the house of representatives not later than January 1, 2019.

SECTION 79C. The department of public utilities shall, subject to its ratemaking authority, develop a rate for part-night service, dimming and controls-operated for unmetered roadway or parking-lot lighting to apply to each new electric utility rate case submitted after January 1, 2019.

SECTION 79D. Sections 20A and 79A shall take effect on July 1, 2019.”

The amendment was adopted.

Mr. Tarr, Ms. L'Italien and Messrs. Cyr and O'Connor moved that the proposed new text be amended in section 2, in item 2000-7072, by inserting after the words “conservation districts” in line 7 the following:- “, grants to support projects and initiatives that promote carbon sequestration and climate change resiliency through sustainable forestry and salt marsh restoration, including associated educational initiatives”.

The amendment was adopted.

Mr. Barrett moved that the proposed new text be amended in section 2, in item 2000-7072, by adding at the end thereof the following:- “; provided further, that not less than \$300,000 shall be expended for the development and construction of a park and recreational area on the property known as Warner’s Pond in the town of Concord; provided further, that not less than \$400,000 shall be expended for the rehabilitation of playgrounds in the town of Sudbury; provided further, that not less than \$100,000 shall be expended for rehabilitation and signage on the Western Greenway trails in the city of Waltham; provided further, that not less than \$1,000,000 shall be expended for repairs, maintenance and improvements of the Leo J. Martin Memorial Golf Course in the town of Weston; provided further, that not less than \$15,000 shall be expended for the installation of sand and gravel test wells for an irrigation well water conservation feasibility study at the High School and Middle School Athletic Complex in the town of Weston; provided further, that not less than \$50,000 shall be expended for signage and other design efforts along the Weston portion of the Massachusetts Central Rail Trail and provided further, that not less than \$500,000 shall be expended for the construction, renovation, improvement, maintenance and handicapped accessibility of Friendship Park Playground and Roberts Field in the town of Chelmsford”.

The amendment was adopted.

Messrs. Ross and Fattman moved that the proposed new text be amended in section 2, in item 2840-7025, by inserting at the end thereof the following:- “provided further, that not less than \$1,000,000 shall be expended for the design and construction of improvements to the Southern New England Trunkline Trail in the city known as the town of Franklin”.

After remarks, the amendment was adopted.

Mr. Barrett moved that the proposed new text be amended in section 2A, in item 2200-7019, by adding at the end thereof the following:- “; provided further, that not less than \$24,000 shall be expended for the installation of electric vehicle charging stations at public buildings in the town of Concord; provided further, that not less than \$14,500 shall be expended for a community electric vehicle consumer awareness and education program in the town of Concord; and provided further, that not less than \$300,000 shall be expended for upgrading and expanding the electric public school bus fleet in the town of Concord”.

The amendment was adopted.

Mr. deMacedo moved that the proposed new text be amended in section 2, in item 2300-7022, by adding the following: “; provided further that \$131,000 shall be expended for a feasibility study for a salt marsh restoration project at 0, 69, 73, and 77 Mashnee Road and 88 88 Rocky Point Road in the town of Bourne”.

The amendment was adopted.

Mr. Barrett moved that the proposed new text be amended in section 2, in line item 2000-7074, by adding at the end thereof the following:- “; and provided further, that not less than \$200,000 shall be expended for costs associated with repairs to the

Greenough Dam in the town of Carlisle”.

The amendment was adopted.

Mr. Brady moved that the proposed new text be amended in section 2, in line item 2200-7022 by adding at the end the following: "and provided further, that not less than \$2,000,000 shall be expended for resurfacing, recoating and structural rehabilitation of all tank wells to maintain the water treatment facility to provide safe drinking water for the city of Brockton and the towns of Hanson and Whitman from silver lake located in the town of Kingston”.

After remarks, the amendment was adopted.

Messrs. Brady and Timilty moved that the proposed new text be amended in section 2, in item 2840-7025, by adding at the end the following:- “and provided further, that not less than \$20,000 shall be expended for the trail system to connect between Queset Commons and North Easton Village to provide pedestrian access in the town of Easton”.

After remarks, the amendment was adopted.

Mr. Barrett moved that the proposed new text be amended in section 2, in 2200-7022, by adding at the end thereof the following: “; provided further, that not less than \$600,000 shall be expended for the installation of a cogeneration heating and cooling system in the Beede Swim and Fitness Center in the town of Concord; provided further, that not less than \$100,000 shall be expended for wetlands reclamation on the Fernald Property in the city of Waltham; and provided further that, not less than \$1,000,000 shall be expended to design and permit a sewer on Route 20 in the town of Sudbury”.

The amendment was adopted.

Mr. Brady moved that the proposed new text be amended in section 2, in item 2000-7074, by adding the following in line 63, after the word “Worcester”:
“Provided further, that not less than \$500,000 shall be expended for the design and construction of a pump house system for distributing aluminum sulfate in Monponsett Pond in the town of Halifax”.

The amendment was adopted.

Mr. Brady moved that the proposed new text be amended in section 2, in item 2000-7074, by adding at the end the following:- “and provided further, that not less than \$1,980,000 shall be expended to improve the structural integrity and safety of the Hobart Pond Dam and Harding Pond Dam in the town of Whitman”.

The amendment was adopted.

Mr. Brady moved that the proposed new text be amended in section 2, in item 2000-7074, by adding at the end the following:- "and provided further, that not less than \$1,500,000 shall be expended to prepare a master plan for dam improvements, invasive plant control, dredging the lakes, construction, repaving roads and highway lights at D.W. Field Park in the town of Brockton”.

After remarks, the amendment was adopted.

Mr. Lewis moved that the proposed new text be amended in section 2, in item 2000-7072, by adding the following:- “provided further, that not less than \$1,750,000 shall be expended for trail signage, wayfinding, trail restoration and other improvements in the Middlesex Fells Reservation”.

The amendment was adopted.

Mr. Ross moved that the proposed new text be amended in section 2, in item 2890-7034, by inserting at the end thereof the following:- “provided further, that not less than \$700,000 shall be awarded to the town of Sherborn for the acquisition of the CSX property north of Whitney Street and converting it to a rail trail;”.

The amendment was adopted.

Ms. Creem moved that the proposed new text be amended in section 2, in item 2000-7072, by adding at the end thereof the following:- “; provided further, that \$600,000 shall be expended for the purposes of protecting and preserving the shoreline and water quality of Crystal Lake in Newton”. 162

The amendment was adopted.

Mr. Tarr moved that the proposed new text be amended in section 2A, in item 2000-7073, in line 83, by striking the words “at a town meeting” and inserting in place thereof the following new text:- “of the Select Board”; and in said section 2A, in item 2000-7081, in line 400, by striking the words “at a town meeting” and inserting in place thereof the following new text:- “of the Select Board”. 164

After remarks, the amendment was adopted.

Ms. Creem and Mr. Ross moved that the proposed new text be amended in section 2, in item 2200-7022, by inserting the following at the end thereof:- “; provided further, that not less than \$1,000,000 shall be expended for the planning, design, construction, and any other associated costs for drainage improvements along Route 9 adjacent to Boulder Brook and Morses Pond in the town of Wellesley”. 166

The amendment was adopted.

Messrs. Tarr and O'Connor moved that the proposed new text be amended by inserting after section __ the following section:- 168

“SECTION_. Section 37 of chapter 130 of the General Laws, as most recently amended by chapter 118 of the acts of 1983, is hereby further amended by striking out the third paragraph in its entirety.”

After remarks, the amendment was *rejected*.

Messrs. Ross and O'Connor moved that the proposed new text be amended by inserting at the end thereof the following sections:- 170

“SECTION XX. Section 21 of chapter 40B of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out the words ‘or building materials’ in line 17 and inserting in place thereof the following words:- ‘building materials, or water or wastewater infrastructure’.

SECTION XX. Said section 21 of chapter 40B, as so appearing, is hereby further amended by inserting at the end thereof the following paragraph:-

‘Applications to build low and moderate income housing units using a comprehensive permit or approval may be denied if a public water system is not available. No application that relies on the use of private water and wastewater infrastructure and is not subject to the Safe Drinking Water Act, 42 U.S.C. §300f et seq., may be approved unless the infrastructure conforms to the standards for public water supplies and meets the wastewater requirements of the Massachusetts Department of Environmental Protection.’.”

The amendment was *rejected*.

Mr. Lewis moved that the proposed new text be amended in section 2, in item 2840-7025, by adding the following:- “; provided further, that not less than \$950,000 shall be expended for improvements to Hunt Park, Memorial Park, Washington Park, Symmonds Way and Sturges Park in the town of Reading”. 171

The amendment was adopted.

There being no objection, during consideration of the Orders of the Day, the following matters were considered, as follows:

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Barbara Harrington, an employee of the Department of State Police (see House, No. 4484), 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 9 to 0.

Barbara Harrington,--
sick leave.

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

Engrossed Bill.

Mr. Pacheco in the Chair, an engrossed Bill protecting the rights of custodial and other non-teaching employees of school districts (see House, No. 1390, 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. Pacheco) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and again laid before the Governor for his approbation.**

Bill again laid before
the Governor.

Engrossed Bills.

The President in the Chair, 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:

Relative to the charter of the town of Sutton (see Senate, No. 1131, amended); and

Bills laid before the
Governor.

Authorizing the city of Newburyport to hold a special election for the purpose of accepting the terms of clause forty-first C ½ of section 5 of chapter 59 of the General Laws (see House, No. 4249).

Orders of the Day

The Orders of the Day were further considered as follows:

The House Bill promoting climate change adaptation, environmental and natural resource protection, and investment in recreational assets and opportunity (House, No. 4613),-- was further considered, the main question being on ordering the bill to a third reading.

Environmental bond
bill.

Mr. Crighton moved that the proposed new text be amended in section 2, in line item 2000-7072, by inserting the following words:- “; provided further, \$200,000 shall be expended for improvements around the Flax Pond in the city of Lynn”.

175

The amendment was adopted.

Mr. Crighton moved that the proposed new text be amended in section 2, in item 2000-7072, by adding the following words:- “; provided further, that \$1,800,000 shall be expended for the procurement and installation of a high-

176

efficiency irrigation system to promote water conservation at the Gannon Municipal Golf Course in the city of Lynn”.

The amendment was adopted.

Mr. Crighton moved that the proposed new text be amended in section 2, in line item 2200-7024, by adding the following words:- “; and provided further that \$400,000 shall be expended for the repair of town-owned property at Lead Mills in the town of Marblehead to prevent the erosion of a landfill cap”.

182

After remarks, the amendment was adopted.

Ms. Gobi and Mr. O'Connor moved that the proposed new text be amended by adding the following 2 sections:-

183

“SECTION XX. Section 14A of chapter 132B of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out subsections (a) and (b) and inserting in place thereof the following 2 subsections:-

(a) Notwithstanding any other section in this chapter, the department may assess a civil administrative penalty, not to exceed \$1,000 per violation, on any person who violates any provision of this chapter or any regulations promulgated under this chapter, provided that such assessment shall not occur within a one year period until after such person has received one warning for the same violation from the department. Each day a violation continues shall constitute a separate violation.

(b) The remedies provided in this section are available in addition to, and without limiting, any other penalties or remedies provided by law or equity. The department may adopt and promulgate such regulations as may be necessary to effectuate the purposes of this section.

SECTION XX. Subsection (c) of said section 14A of said chapter 132B, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

This penalty shall be assessed in addition to any other civil penalty otherwise provided for by law. Notice of assessment of a penalty pursuant to this section shall be made by service in hand, or by certified mail, return receipt requested, and shall state the amount of the administrative penalty, the date the penalty shall be due, a statement of the violator's right to an adjudicatory hearing pursuant to chapter 30A regarding the assessment, a statement of the actions the person may take in order to avoid assessment of additional penalties or to avoid waiving the right to a hearing relative to the penalty, and the manner of acceptable payment if an election to waive a hearing is made.”

The amendment was adopted.

Ms. Creem and Mr. Ross moved that the proposed new text be amended in section 2, in item 2000-7079, by inserting the following at the end thereof:- “; provided further, that not less than \$200,000 shall be expended to delead and repaint the bridge on Cliff Road over the railroad tracks in the town of Wellesley”.

189

The amendment was adopted.

Mr. Lewis moved that the proposed new text be amended in section 2C, in line item 2000-7078, by adding the following words:- “; provided further, that not less than \$250,000 shall be expended for the completion of the feasibility study for the Wakefield-Lynnfield Rail Trail in the town of Wakefield and in the town of Lynnfield”.

197

After remarks, the amendment was adopted.

Messrs. Ross and O'Connor moved that the proposed new text be amended by inserting at the end thereof the following section:-

195

“SECTION XX. Notwithstanding any general or special law to the contrary, the

Massachusetts department of environmental protection shall assess its authority to address impacts of a municipal withdrawal of water on bordering or nearby municipal surface water source affected by the withdrawal pursuant to a permit granted under chapter 21G, and report its finding to the clerks of the house and senate by December 31, 2018.”

The amendment was adopted.

Mr. DiDomenico moved that the proposed new text be amended in section 2, in item 2800-7014, by adding the following:- “provided further, that not less than \$500,000 shall be expended for the city of Everett for stormwater restoration of North and South Creeks that flow into the Malden River for dredging and restoration of ecology”.

199

The amendment was adopted.

Ms. Gobi, Messrs. Feeney and Hinds, Ms. L'Italien and Mr. Lesser moved that the proposed new text be amended by adding the following section:-

200

“SECTION XX. Chapter 94 of the General Laws is hereby amended by inserting after section 13E the following section:-

Section 13F. (a) A dairy farmer manufacturing raw milk for human consumption shall be licensed under section 16A of chapter 94 and section 5 of chapter 94A. A licensed raw milk farmer may deliver raw milk directly to a consumer, off-site from the farm, if the raw milk farmer has a direct, contractual relationship with the consumer. The raw milk farmer may contract with a third party for such delivery; provided, however, that the raw milk farmer shall maintain the contractual relationship with the consumer. The raw milk farmer may deliver raw milk through a community supported agriculture, or CSA, delivery system; provided, however, that the raw milk farmer shall maintain a contractual relationship with the consumer. Delivery may be made directly to the consumer’s residence or to a preestablished receiving site. A receiving site shall not be in a retail setting with the exception of a CSA delivery. In such instances, raw milk shall be kept separate from retail items for sale and shall not be accessible to the general public.

(b) A raw milk farmer may sell raw milk from the farmer’s farm stands even if not contiguous to the farmer’s raw milk dairy; provided however, the farmer shall comply with section 3 of chapter 40A.

(c) The department of agricultural resources and the department of public health, acting jointly, shall adopt and promulgate rules and regulations governing the handling, packaging, storage, testing and transportation of raw milk; provided, however, that any delivery vehicle transporting raw milk shall comply with the inspection requirements set forth in sections 33, 35 and 40.

(d) The label on any raw milk sold pursuant to this section shall contain: (i) the identity of the farm where the raw milk was packaged, including the licensee’s name, address and license number; and (ii) the following warning: ‘Raw milk is not pasteurized. Pasteurization destroys organisms that may be harmful to health.’”

After remarks, the amendment was adopted.

Mr. DiDomenico moved that the proposed new text be amended in section 2, in item 2800-7014, by adding the following:- “provided further, that not less than \$1,000,000 shall be expended for the city of Everett to daylight a portion of the Island End River”.

201

The amendment was adopted.

Mr. DiDomenico moved that the proposed new text be amended in section 2, in item 2840-7025, by adding the following:- “provided further, that not less than \$1,500,000 shall be expended for the city of Chelsea for a new waterfront park

204

provided that the city of Chelsea will provide a 30% match toward the park”.

The amendment was adopted.

Mr. Barrett moved that the proposed new text be amended in section 2, in item 2200-7016, by adding at the end thereof the following:- “; and provided further that, not less than \$100,000 shall be expended for the cleanup and removal of hazardous materials at parking garages in the town of Sudbury”. 205

The amendment was adopted.

Mr. Crighton moved that the proposed new text be amended in section 2C, in item 2000-7078, by adding the following words:- “; provided further, that not less than \$250,000 shall be expended for the completion of the feasibility study for the Wakefield-Lynnfield Rail Trail in the town of Wakefield and in the town of Lynnfield”. 206

The amendment was adopted.

Mr. DiDomenico moved that the proposed new text be amended in section 2, in item 2840-7025, by adding the following:- “provided further, that not less than \$1,000,000 shall be expended for the city of Cambridge for environmental remediation and renovation of Binney Street Park”. 207

The amendment was adopted.

Ms. Creem moved that the proposed new text be amended in section 2, in item 2840-7025, by inserting the following at the end thereof:- “; provided further, that \$2,500,000 shall be expended for the purposes of repair, improvements and restoration at Larz Anderson Park in Brookline”. 208

The amendment was adopted.

Mr. Crighton moved that the proposed new text be amended in section 2, in item 2000-7073 by adding the following words:- “; provided further, that no less than \$1,000,000 shall be expended for coastal infrastructure repair in Town of Nahant; provided further that no less than \$1,000,000 shall be expended for coastal infrastructure repair in the town of Swampscott; provided further that no less than \$350,000 shall be expended for coastal infrastructure repair in the town of Marblehead”. 209

The amendment was adopted.

Ms. Creem moved that the proposed new text be amended in section 2, in item 2840-7025, by inserting the following at the end thereof:- “; provided further, that \$1,700,000 shall be expended for the purposes of repair, improvements and restoration of parks, playgrounds and recreation areas in the city of Newton”. 212

The amendment was adopted.

Mr. Lewis moved that the proposed new text be amended in section 2, in item 2000-7072, by adding the following:- “provided further, that not less than \$500,000 shall be expended for dredging, safety and environmental improvements to Winter Pond in the town of Winchester”. 213

The amendment was adopted.

Mr. Feeney moved that the proposed new text be amended in section 2, in item 2200-7022, by adding the following:- “provided further, that \$4,000,000 shall be expended for the purpose of removing hazardous materials and debris, demolition, and redevelopment, sediment soil excavation and removal and post-remediation groundwater monitoring of the former Attleboro Dyeworks site, including the dam, sluiceway and industrial settling ponds that abut the Ten-Mile River at 37 Maple Avenue in the town of Seekonk”. 215

After remarks, the amendment was adopted.

Mr. Crighton moved that the proposed new text be amended in section 2, in 218

item 2840-7025, by adding the following words:- “; provided further, that \$1,000,000 shall be expended to the City of Lynn for the purpose of reconstructing and making improvements to Lynn Heritage State Park”.

The amendment was adopted.

Mr. Boncore moved that the proposed new text be amended in section 2, in item 2000-7073 by inserting the following at the end thereof:- “provided further, that \$500,000 shall be expended for planning and infrastructure improvements to mitigate flooding issues at Lewis Wharf in the North End of Boston”. 228

After remarks, the amendment was adopted.

Mr. deMacedo moved that the proposed new text be amended in section 2, in item 2840-7025 by adding the following: “; provided further, that \$1,300,000 shall be expended for the feasibility, design, and permitting of the Bourne Rail Trail Shared-Use Path along the MassDOT Rail Line Right-of-Way from the existing Shining Sea Bike Path in North Falmouth to the Cape Cod Canal in the town of Bourne”. 231

The amendment was adopted.

Mr. Tran moved that the proposed new text be amended in section 2, in item 2200-7022, by adding the following words:- “; provided further, that not less than \$300,000 shall be expended for the relocation and replacement of the wastewater leach field at Nashoba regional high school in the town of Bolton; provided further, that not less than \$1,000,000 shall be expended for sewerage development at Sholan Farms in the city of Leominster; provided further, that not less \$350,000 shall be expended for the installation of a solar panel roof array in the town of Berlin”. 232

The amendment was adopted.

Mr. Feeney moved that the proposed new text be amended in section 2, in item 2000-7072, by adding at the end the following: “and provided further, that not less than \$1,000,000 shall be expended for the permitting, design and undertaking of dredging of Memorial Pond in the town of Walpole”. 233

The amendment was adopted.

Mr. Tran moved that the proposed new text be amended in section 2C, in item 2000-7077 by adding the following words:- “; provided further, that not less than \$250,000 shall be expended for the renovations to Fournier park in the city of Leominster; provided further, that not less than \$900,000 shall be expended for the development of Omelia park in the city of Gardner; provided further, that not less than \$80,000 shall be expended for the removal and replacement of the town common’s sidewalks in the town of Townsend”. 234

The amendment was adopted.

Mr. Boncore moved that the proposed new text be amended in section 2, in item 2000-7073 by adding the following:- “provided further that no less than \$500,000 be expended for the renovation and improvement of the retaining seawall at Grandview Avenue in Winthrop”. 236

After remarks, the amendment was adopted.

Mr. deMacedo moved that the proposed new text be amended in section 2, in item 2000-7073, by inserting the following: “; provided further, that not less than \$1,000,000 shall be allocated to the town of Plymouth for seawall and revetment work at Plymouth Long Beach; provided further, that not less than \$1,000,000 shall be allocated to the town of Plymouth for cobble nourishment at Plymouth Long Beach”. 238

The amendment was adopted.

Mr. Cyr moved that the proposed new text be amended in section 2, in item 239

2000-7073, by inserting after the word “projects” in line 78, the following:- “; provided further that not less than \$1,300,000 shall be expended for study, design and construction of methods for storm relief and marsh restoration and to provide residents egress during significant flooding events in the Commerce Road area within the Town of Barnstable”.

The amendment was adopted.

Mr. Feeney moved that the proposed new text be amended in section 2, in item 2000-7072 by adding the following:- “provided further, that not less than \$1,000,000 shall be expended for the purpose of study, design, permitting and undertaking of repairs, remediation, conservation and improvements to ponds, waterways, dams, and watersheds in the town of Walpole”.

240

The amendment was adopted.

Mr. Cyr moved that the proposed new text be amended in section 2, in item 2000-7073, by inserting after the word “projects” in line 78, the following:- “; provided further that not less than \$1,400,000 shall be expended for the replacement and improvement of the culvert at Snows Creek to provide storm relief and marsh restoration, and for the installation of a sidewalk on the south side of Ocean Street in the culvert vicinity, and construction of safety railings, within the town of Barnstable”.

241

The amendment was adopted.

Ms. Lovely moved that the proposed new text be amended in section 2, in item 2200-7022, by inserting at the end thereof the following:- “; provided further, that not less than \$1,000,000 shall be expended for the construction of a water treatment plant in the town of Topsfield”.

245

The amendment was adopted.

Ms. Lovely moved that the proposed new text be amended in section 2, in item 2000-7072, by inserting at the end thereof the following:- “; provided further, that not less than \$500,000 shall be expended for repairs to the Dr. John W. Coleman Greenergy Park in the city of Beverly”.

246

The amendment was adopted.

Ms. Lovely and Mr. Tarr moved that the proposed new text be amended in section 2, in item 2500-7021, by inserting at the end thereof the following:- “; provided further, that not less than \$300,000 be expended, in consultation with the department of agricultural resources and division of marine fisheries, for the Southeastern Massachusetts Aquaculture Center at Barnstable County Cooperative Extension, the Northeastern Massachusetts Aquaculture Center at Salem State College, and the Western Massachusetts Center for Sustainable Aquaculture at the University of Massachusetts at Amherst”.

248

After remarks, the amendment was adopted.

Ms. Lovely moved that the proposed new text be amended in section 2, in item 2840-7025, by inserting at the end thereof the following:- “; provided further, that \$1,700,000 shall be expended for the Forest River Pool and Shoreline/Tidal Restoration Project by the city of Salem”.

249

The amendment was adopted.

Mr. Collins moved that the proposed new text be amended in section 2, in item 2840-7025, by adding the following words:- “; provided further, that not less than \$900,000 shall be deposited into the Castle Island and Marine Park Trust Fund established in section 35III of chapter 10 of the General Laws”; and in section 9, in chapter 10 of the General Laws, by adding the following section:-

251

“Section 35III. There shall be a Castle Island and Marine Park Trust Fund to be

used for the long-term preservation, maintenance, nourishment and public safety of Castle Island and Marine park in the South Boston section of the city of Boston into which shall be deposited: (i) any revenues or other financing sources directed to the fund by appropriation; (ii) bond revenues or other money authorized by the general court and specifically designated to be credited to the fund; (iii) any income derived from the investment of amounts credited to the fund or repayment of loans from the fund; (iv) funds from public or private sources including, but not limited to, gifts, federal or private grants, donations, rebates and settlements received by the commonwealth that are specifically designated to be credited to the fund; and (v) all other amounts credited or transferred to the fund from any other source. The fund shall be administered by the secretary of energy and environmental affairs.

Any balance in the fund at the end of a fiscal year shall not revert to the General Fund, but shall remain available for expenditure in subsequent fiscal years. Annually, not later than December 1, the secretary shall report on the activities of the fund to the clerks of the senate and house of representatives and to the senate and house committees on ways and means. The report shall include an accounting of expenditures made from the fund and shall include a description of the authorized purpose of each expenditure, an accounting of the amounts credited to the fund and any unexpended balance remaining in the fund.”

The amendment was adopted.

Mr. Cyr moved that the proposed new text be amended in section 2, in item 2000-7072, by inserting after the word “secretary” in line 59, the following:- “; provided further that not less than \$300,000 shall be expended for the planning, design, construction, and operation of a regional glass recycling and sorting facility in the town of Dennis”.

The amendment was adopted.

Mr. Cyr moved that the proposed new text be amended by inserting in item 2000-7081, after the word “projects” in line 396, the following:- “; provided further, that such funds may be used for a municipality, or municipalities in the same region, to appoint and retain a regional coordinator to oversee sustainability, resiliency and climate adaptation programs in the region, and to liaise with utilities and government agencies to coordinate long-term planning and identify grid hardening and modernization opportunities and methods; provided further, that such funds may be used for municipal and consumer costs associated with undergrounding electric distribution lines where the project is intended to improve reliability in wind and winter weather events”.

The amendment was adopted.

Mr. Collins moved that the proposed new text be amended in section 2, in item 2840-7025, by adding the following language:- “and provided further that \$500,000 shall be expended for resilience-based projects at Martin’s Park in the city of Boston”; and by striking out the figures “420,000,000” and inserting in place thereof the following figures:-”420,500,000”.

The amendment was *rejected*.

Mr. Cyr moved that the proposed new text be amended in section 2, in item 2000-7072, by inserting after the word “secretary” in line 59, the following:- “; provided further that not less than \$1,215,000 shall be expended for improvements to the Run Pond culvert in the town of Yarmouth to improve tidal flushing and reduce nutrient influxes and algal blooms”.

The amendment was adopted.

Mr. Collins moved that the proposed new text be amended in section 2, in item

2000-7077, by adding the following language:- “provided further that not less than \$50,000,000 shall be expended on greenery throughout the center of Columbia Road from Blue Hill Ave to Kosciusko Circle in the city of Boston and the planning, construction, and maintenance of improvements at Moakley Park in the city of Boston”; and by striking the figure “60,000,000” and in place thereof the following figures:- “110,000,000”.

The amendment was *rejected*.

Messrs. Collins and DiDomenico moved that the proposed new text be amended in section 2, in item 2000-7079, by adding the following language:- “provided further that \$55,000,000 be expended for costs associated with environmental remediation, removal of asbestos and other substances, air monitoring and related activities arising from necessary capital projects at the University of Massachusetts Boston”; and by striking the figure” \$75,500,000” and inserting in place thereof the following figures:- “\$130,500,000”.

276

The amendment was *rejected*.

Mr. Cyr moved that the proposed new text be amended in section 2, in item 2000-7073, by inserting after the word “projects” in line 78, the following:- “; provided further, that not less than \$400,000 shall be expended for construction costs associated with hydraulic dredging and beach nourishment at town owned beaches within the town of Chatham; provided further, that not less than \$250,000 shall be expended for flood water drainage and tide gate analysis and replacement at various locations within the town of Chatham; provided further, that not less than \$35,000 shall be expended for a climate resiliency study of the area known as Beach Point within the town of Truro; provided further, that not less than \$500,000 to fund planning, engineering design, permitting, and other bid-phase expenses for the repairs to the East Harbor Culvert and surrounding infrastructure in the Town of Truro; provided further, that not less than \$150,000 shall be expended for survey, design, engineering, materials estimating, and permitting of the enhancement of shoreline protection and other measures necessary to protect vulnerable roadway and utilities infrastructure along Route 6A and Snail Road within the town of Provincetown”.

286

The amendment was adopted.

There being no objection, during consideration of the Orders of the Day, the following matters were considered, as follows:

Report of a Committee.

By Mr. Montigny, for the committee on Rules, on Senate, Nos. 905 and 906, a Bill to strengthen laws combatting human trafficking and protecting survivors of modern-day slavery (Senate, No. 2598).

Human trafficking.

Order Adopted.

Mr. Montigny offered the following order, to wit:

Ordered, That, notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill to strengthen laws combatting human trafficking and protecting survivors of modern-day slavery (Senate, No. 2598) 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 5:00 P.M., on Monday, July 16, 2018. All such amendments shall be second-reading amendments to Senate, No. 2598, 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 be adopted.

The rules were suspended, on motion of Mr. Barrett, 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.

Report of a Committee.

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), by Mr. Montigny, on petition (accompanied by bill, Senate, No. 907) a Bill to regulate bodywork therapy (Senate, No. 2599).

Bodywork therapy.

Order Adopted.

Mr. Montigny offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill to regulate bodywork therapy (Senate, No. 2599) 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 5:00 P.M., on Monday, July 16, 2018. All such amendments shall be second-reading amendments to Senate, No. 2599, 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 be adopted.

The rules were suspended, on motion of Mr. Lesser, 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.

Report of Committees.

By Mr. Montigny, for the committee on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Ryan C. Fattman and Joseph D. McKenna for legislation to establish a sick leave bank for Thomas Millett, an employee of the Department of Correction.

Thomas Millett,--
sick leave.
SD2720

The rules were suspended, on motion of Mr. Fattman, 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.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4753) of Susannah M. Whipps that the Department of Conservation and Recreation be authorized to release a watershed preservation restriction over a portion of certain land in the town of Petersham,-- was referred in concurrence, under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.

Petersham,--
watershed restriction.

A Bill authorizing the county of Dukes County to borrow funds to pay costs of wastewater treatment facility improvements at the Martha's Vineyard Airport (House, No. 4506,-- on petition),-- was read.

Martha's Vineyard
airport.

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

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 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.

Motor vehicle
dealers,-- business
practices.

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

On further motion of the same Senator, the bill was substituted for the report of the committee.

The bill (Senate, No. 146) was read and, under Senate Rule 27, was referred to the committee on Ways and Means.

PAPERS FROM THE HOUSE

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Barbara Harrington, an employee of the Department of State Police (see House, No. 4484) (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 Acting President (Mr. Rodrigues) and laid before the Governor for his approbation.**

Bill laid before the
Governor.

A petition (accompanied by bill, House, No. 4755) of Carmine L. Gentile and Jack Lewis that the town of Sudbury and the city of Framingham be authorized to expend funds for the purchase of land for the Bruce Freeman Rail Trail,-- was referred in concurrence, under suspension of Joint Rule 12, to the committee on Economic Development and Emerging Technologies.

Bruce Freeman Rail
Trail

Engrossed Bill.

An engrossed Bill further regulating the disability benefits provided to certain police officers and firefighters (see House, No. 2515, 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 enacted and signed by the Acting**

Bill laid before the
Governor.

President (Mr. Rodrigues) and laid before the Governor for his approbation.

Quorum

At twenty minutes past six o'clock P.M., Ms. Chang-Diaz doubted the presence of a quorum. The Chair (Mr. Rodrigues) having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

The president in the Chair, subsequently, at twenty-three minutes past six o'clock P.M., a quorum was declared present.

PAPER FROM THE HOUSE

A Bill relative to findings of the foundation budget review commission (House, No. 4741,-- on House, Nos. 2044 and 2871),-- was read.

Foundation budget.

There being no objection, the rules were suspended, on motion of Ms. Chang-Diaz, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Ms. Chang-Diaz moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2600.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-eight minutes before seven o'clock P.M. on motion of Ms. Chang-Diaz, as follows, to wit (yeas 37 – nays 0) [**Yeas and Nays No. 439**]:

YEAS.

- | | |
|--------------------------|-------------------------|
| 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. – 37. |
| Jehlen, Patricia D. | |

NAYS – 0.

ABSENT OR NOT VOTING.

Barrett, Michael J. – 1.

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

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Orders of the Day

The Orders of the Day were further considered as follows:

The House Bill promoting climate change adaptation, environmental and natural resource protection, and investment in recreational assets and opportunity (House, No. 4613),-- was further considered, the main question being on ordering the bill to a third reading.

Environmental bond bill.

Messrs. Tarr and Ross moved that the proposed new text be amended by adding the following section:-

5

“SECTION XX. Section 3 of chapter 25A of the General Laws, as appearing in the 2016 Official Edition is hereby amended by inserting after the first paragraph, the following definition:-

‘Adaptation projects’, public infrastructure projects designed to mitigate adjustments in natural or human systems in response to actual or expected climatic stimuli and associated impacts, including but not limited to changes in processes, practices, and built and natural structures to increase resiliency, moderate potential damages, or benefit from opportunities associated with climate change.

SECTION XX. Section 11C of said chapter 25A, as so appearing, is hereby amended by adding the following subsection:- ‘(e) The division of capital asset management and maintenance may contract for the procurement of capital improvements for adaptation projects in the manner provided in subsections (a) and (c). A local governmental body may contract for the procurement of capital improvements for adaptation projects in the manner provided in subsections (b) and (c).’.”

After remarks, the amendment was adopted.

Mr. Tarr moved that the proposed new text be amended by adding the following 2 sections:-

6

“SECTION XX. Section 3 of chapter 25A of the general laws, as appearing in the 2016 official edition, is hereby amended by inserting after the definition of ‘Building authority’ the following definitions:

‘Clean peak energy resources’, any Class I renewable energy generating sources as defined in subsection (c) of section 11F, demand response resources, and energy storage systems, as defined in section 1 of chapter 164.

‘Clean peak period’, one or more discrete time periods during a calendar year, as determined by the department pursuant to subsection (j) of section 11F, when electrical consumption results in a significant increase in greenhouse gas emissions, or an increase in electrical prices or transmission and distribution costs to end-use electricity customers of the commonwealth; provided, however, that the total numbers of hours constituting the clean peak period for a particular year shall not exceed 10 per cent of the projected total hours of electricity demand of all end-user customers in the commonwealth in that year; and provided further, that the department may rely on forecasting by the independent service operator for the New England service area in determining the clean peak period.

SECTION XX. Section 11F of chapter 25A of the general laws, as appearing in the 2016 official edition, is hereby amended by adding the following subsection:-

(j) The department shall establish a clean peak standard for all retail electricity suppliers selling electricity to end-use customers in the commonwealth. Such

standard shall require all retail electricity suppliers to provide a minimum percentage of kilowatt-hour sales to end-use customers in the commonwealth from clean peak energy resources, which amount shall be determined by the department through regulations. A retail electricity supplier may satisfy its annual obligation under this subsection with Class I renewable energy generating sources used to satisfy its annual obligation under subsection (a). In developing the clean peak standard, the department may consider using market-based program designs to facilitate long-term investment in clean peak energy resources; provided, however, that the clean peak standard shall be designed to lower the overall costs to the commonwealth's ratepayers over the period in which the clean peak standard is in effect and, to the maximum extent practicable, shall ensure that any rate increase for an individual electricity customer, regardless of customer class, resulting from the clean peak standard does not exceed 0.5 cents per kilowatt-hour in the aggregate for any particular year. The department shall promulgate regulations to implement this subsection, including, at a minimum, provisions regarding: (1) the methodology for defining the clean peak period for electricity demand in a given year; (2) the minimum amount of clean peak energy resources required to satisfy the clean peak standard; and (3) an alternative compliance mechanism for retail electricity suppliers. This section shall be in effect until January 1, 2041."

After remarks, the amendment was *rejected*.

Mr. O'Connor moved that the proposed new text be amended in section 2, in item 2000-7073, by adding the following words:- “; provided further, that not less than \$1,500,000 shall be expended for the construction, purchase or repair of seawalls, jetties and wave attenuation devices in the town of Duxbury”.

18

After remarks, the amendment was adopted.

Mr. O'Connor moved that the proposed new text be amended in section 2, in item 2000-7073, by adding the following words:- “; provided further, that not less than \$1,500,000 shall be expended for the construction, purchase or repair of seawalls, jetties and wave attenuation devices in the town of Marshfield”.

19

The amendment was adopted.

Mr. O'Connor moved that the proposed new text be amended in section 2, in item 2000-7073, by adding the following words:- “; provided further, that not less than \$1,500,000 shall be expended for the construction, purchase or repair of seawalls, jetties and wave attenuation devices in the town of Scituate”.

20

The amendment was adopted.

Mr. O'Connor moved that the proposed new text be amended in section 2, in item 2000-7073, by adding the following words:- “; provided further, that not less than \$1,500,000 shall be expended for the construction, purchase or repair of seawalls, jetties, and wave attenuation devices in the town of Hull”; and by striking out the figure “\$60,000,000” and inserting in place thereof the following figure:- “\$61,500,000”.

21

The amendment was adopted.

Mr. Keenan moved that the proposed new text be amended in section 2, in item 2000-7074, by adding the following words:- “; provided further, that not less than \$2,000,000 shall be expended for storm resiliency efforts in the city of Quincy including sea wall repair and the dredging of brooks, rivers and creeks for flood storage capacity”.

24

After remarks, the amendment was adopted.

Mr. Keenan moved that the proposed new text be amended in section 2, in item 2000-7074, by adding the following words:- “; provided further, that not less than

25

\$500,000 shall be expended for the management and improvement of Studley’s pond dam in the town of Rockland”.

The amendment was adopted.

Mr. Keenan moved that the proposed new text be amended in section 2, in item 2840-7025, by adding the following words:- “; provided further, that not less than \$2,000,000 shall be expended for improvements to Squantum Point park in the city of Quincy for the planning, design, engineering and construction associated with readying the park and its pier for ferry service”.

The amendment was adopted.

Mr. Keenan moved that the proposed new text be amended in section 2, in item 2840-7025, by adding the following words:- “; provided further, that not less than \$500,000 shall be expended for improvements to the Ames Nowell state park in the town of Abington, including the development of a master plan and the planning, design and engineering costs associated with the implementation of that plan”.

The amendment was adopted.

Mr. Keenan moved that the proposed new text be amended in section 2, in item 2000-7072, by adding the following words:- “; provided further, that not less than \$500,000 shall be expended for the reconstruction of certain roads in the town of Holbrook”.

The amendment was adopted.

Messrs. Keenan and Timilty moved that the proposed new text be amended in section 2, in item 2300-7022, by adding the following words:- “; provided further, that not less than \$500,000 shall be expended for habitat restoration along the Monatiquot river in the city known as the town of Braintree”.

The amendment was adopted.

Messrs. Eldridge, Lewis and Rush, Ms. O’Connor Ives, Ms. L’Italien, Messrs. Feeney, Welch, Hinds, Barrett, Collins and Lesser, Ms. Jehlen, Ms. Friedman and Messrs. Cyr and DiDomenico moved that the proposed new text be amended by inserting the text of Senate document numbered 2613, relative to public lands preservation.

After remarks, the amendment was adopted.

Mr. Keenan moves that the proposed new text be amended by inserting after section 77 the following section:-

“SECTION 77A. (a)(1)Notwithstanding sections 32 to 37 of chapter 7C of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the department of conservation and recreation, may grant nonexclusive permanent easements to the city of Quincy over portions of a certain parcel of land held for conservation and recreation purposes, such land being adjacent to the Furnace Brook and along the Furnace Brook Parkway approximately from Dayton street in the north to Cross street in the south and as depicted on site plans entitled ‘Exhibit B – Furnace Brook Enhancements Permanent Easement Plans’, dated May 30, 2018, prepared by Woodard & Curran.

(2) The permanent easements shall be used solely for the operation and maintenance of the improvements associated with the flood control plan and grading established for flood compensation, subject to the requirements of this section and to such additional terms and conditions consistent with this section as the commissioner of capital asset management and maintenance may prescribe. Prior to granting any easement, the division of capital asset management and maintenance may make minor modifications to the plan and easement areas to carry out the

purposes of this section.

(b) An independent appraisal of the fair market value and value in use of the easements described in subsection (a) shall be prepared in accordance with the usual and customary professional appraisal practices by a qualified appraiser commissioned by the commissioner of capital asset management and maintenance. Consideration for the grant of the easements described in said subsection (a) shall be the full and fair market value or the value in proposed use, whichever is greater, as determined by the commissioner of capital asset management and calculated with regard to its full development potential as assembled with other lands owned or otherwise controlled by the city. The commissioner of capital asset management and maintenance shall submit the appraisal to the inspector general for review and comment. The inspector general shall review and approve the appraisal and the review shall include an examination of the methodology utilized for the appraisal. The inspector general shall prepare a report of such review and file the report with the commissioner of capital asset management and maintenance for submission by the commissioner to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight. The commissioner shall submit copies of the appraisal and the inspector general's review and approval and comments, if any, to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight at least 15 days prior to the execution of any documents effecting the transfers described in said subsection (a).

(c) To ensure a no-net-loss of lands protected for natural resource purposes, the city of Quincy shall compensate the commonwealth for the easements described in subsection (a) through the transfer to the department of conservation and recreation of land, an interest of land or funding for the acquisition of land or an interest therein equal to or greater than the highest appraised value as determined under subsection (b). The fair market value of any land or interest in land proposed to be conveyed by the city to the department shall be included within the appraisal prepared pursuant to said subsection (b). The land, interest in land or funding shall be acceptable to the department of conservation and recreation and any land or interest in land, whether conveyed by the city or acquired by the department, shall be permanently held and managed for conservation and recreation purposes by the department. If the appraised value of any land or interests in land proposed for conveyance to the commonwealth are determined to be greater than the appraised value of the easements described in said subsection (a), the commonwealth shall have no obligation to pay the difference to the city. All payments paid to the commonwealth as a result of the conveyances or grants authorized by this act shall be deposited in the Conservation Trust established in section 1 of chapter 132A of the General Laws.

(d) The city of Quincy shall assume all costs associated with engineering, surveys, appraisals, deed preparation and other expenses deemed necessary by the commissioner of capital asset management and maintenance to execute the easements authorized in this section.”

The amendment was adopted.

Messrs. O'Connor and Tarr moved that the proposed new text be amended by inserting at the end the following section:-

“SECTION XX. Notwithstanding any special or general law there shall be a special commission to scope a state grant or low-interest loan program for structural elevation or acquisition of properties prone to flooding in the Commonwealth. Components of consideration for the structure of the program shall include (i) funding sources, (ii) eligible expenses, (iii) applicant eligibility, (iv) the

establishment of a cost-benefit analysis in determining applicant eligibility, and (v) program expenditures and pay outs.

The special commission shall consist of: the chair of the state board of building regulation and standards, or their designee; a contractor with experience in home elevations, to be appointed by the director of the Massachusetts emergency management agency; the acting state hazard mitigation officer of the state hazard mitigation team; the acting hazard mitigation grants supervisor of the state hazard mitigation team; a licensed lender with knowledge in flood insurance, 203K home loan lending, and traditional loans used for mitigation activities, to be appointed by the acting state hazard mitigation officer of the state hazard mitigation team; an insurance agent with knowledge in flood insurance and experience in guiding and consulting for mitigation activities, to be appointed by the director of the Massachusetts emergency management agency; a representative from a statewide environmental group, to be appointed by the Governor; a representative from the executive office of public safety and security with knowledge of the federal hazard mitigation grant program and experience with mitigation activities, to be appointed by the Governor; two members of the House of Representatives, one of whom to be appointed by the Speaker of the House of Representatives, and the other to be appointed by the minority leader; two members of the Senate, one of whom to be appointed by the President of the Senate, and the other to be appointed by the minority leader; provided, however, that the first meeting of the commission shall take place no later than December 1, 2018.

The special commission shall submit its preliminary draft of any recommendations or legislation to the clerks of the House of Representatives and the Senate and the chairs of the joint committee on environment, natural resources and agriculture not later than December 1, 2019. The special commission shall submit its final draft of the program scope together with any additional recommendations or drafts of legislation to the clerks of the House of Representatives and the Senate and the chairs of the joint committee on environment, natural resources and agriculture not later than December 1, 2020.”

After remarks, the amendment was adopted.

Messrs. Pacheco and Ross moved that the proposed new text be amended in section 2, in item 2500-7021, by adding the following words: “; provided further, that not less than \$3,000,000 shall be expended for the creation and development of an eastern regional center for urban sustainability at Bristol county agricultural high school in the town of Dighton”; in said section 2, in item 2000-7072, by adding the following words:- “provided further, that not less than \$1,000,000 shall be expended for the development and implementation of an energy efficiency pilot program for the implementation of energy efficiency measures in the city of Taunton; provided further, that not less than \$1,000,000 shall be expended for the development and implementation of an energy efficiency pilot program for the implementation of energy efficiency measures at Bridgewater State University”; and in said section 2, in item 2200-7022, by adding the following words:- “provided further, that not less than \$1,000,000 shall be expended for wastewater treatment upgrades in the city of Taunton”.

43

After remarks, the amendment was adopted.

Mr. Hinds moved that the proposed new text be amended in section 2A, in item 2000-7078, by adding the following words:- “; provided further, that \$500,000 shall be expended for the design and engineering of the North Adams adventure trail in the city of North Adams”.

51

The amendment was adopted.

Ms. O'Connor Ives moved that the proposed new text be amended in item 2840-7025, by adding the following: “provided further, that \$750,000 shall be expended for drainage upgrades for municipally owned recreation field improvements and for playground upgrades in the city of Methuen”. 63

After remarks, the amendment was adopted.

Mr. Humason moved that the proposed new text be amended in section 2, in item 2200-7022, by adding the following words:- “provided further, that not less than \$100,000 shall be expended for the removal of the pump house at the Lower Mill Pond in the city of Easthampton; provided further, that not less than \$600,000 shall be expended for engineering, planning, construction and related infrastructure for storm water drainage management at Westfield-Barnes Regional Airport”. 71

After remarks, the amendment was adopted.

Ms. L'Italien moved that the proposed new text be amended in section 2, in item 2800-7014, by adding the following words:- “; provided further, that not less than \$600,000 shall be expended for headwall and culvert repairs on Andover street, Hood road and Lower Pinnacle street in Tewksbury”. 76

The amendment was adopted.

Ms. L'Italien moved that the proposed new text be amended in section 2, in item 2200-7022, by adding the following words:- “; provided further, that not less than \$400,000 shall be expended for drainage pipe and structural repairs on Cayuga street in the town of Tewksbury”. 77

The amendment was adopted.

Ms. L'Italien moved that the proposed new text be amended in section 2, in item 2800-7014, by adding the following words:- “; provided further, that not less than \$1,750,000 shall be expended for culvert repair and restoration in the city known as the town of Dracut”. 78

After remarks, the amendment was adopted.

Ms. L'Italien moved that the proposed new text be amended in section 2, in line item 2800-7014, by adding the following words:- “; provided further, that not less than \$1,000,000 shall be expended for the Merrimack and Shawsheen river access project in the town of Andover”. 79

The amendment was adopted.

Ms. L'Italien moved that the proposed new text be amended in section 2, in item 2300-7022, by adding the following words:- “; provided further, that not less than \$250,000 shall be expended for the Merrimack Valley river project for the purchase of a boat skimmer to clean the Merrimack River”. 80

After remarks, the amendment was adopted.

Ms. L'Italien moved that the proposed new text be amended in section 2, in item 2890-7034, by adding the following words:- “; provided further, that not less than \$2,000,000 shall be expended for expanding greenscapes within the five corners area of the city of Lawrence”. 83

After remarks, the amendment was adopted.

Mr. Humason moved that the proposed new text be amended in section 2, in item 2890-7034, by adding the following words:- “provided further, that not less than \$800,000 shall be expended for the completion of the downtown corridor phase of the Columbia Greenway project in the city of Westfield; provided further, that \$850,000 shall be expended for the construction of a bike path in the town of Southamton”. 84

The amendment was adopted.

Mr. Humason moved that the proposed new text be amended in section 2, in 85

item 2000-7077, by adding the following words:- “and provided further, that not less than \$1,000,000 shall be expended for maintenance and improvements to Holyoke Heritage State Park in Holyoke”.

The amendment was adopted.

Mr. Humason moved that the proposed new text be amended in section 2, in item 2800-7031, by adding the following words:- “provided further, that not less than \$1,000,000 shall be expended for flooding control, dredging, and eradication of non-native plant species of Canal brook an outlet of Lake Congamond”.

86

After remarks, the amendment was adopted.

Mr. Humason moved that the proposed new text be amended in section 2, in item 2840-7025, by adding the following words:- “provided further, that not less than \$500,000 shall be expended for maintenance and improvements for Hampton Ponds State Park in Westfield; provided further, that not less than \$500,000 shall be expended for maintenance and improvements for Mount Tom State Reservation in Holyoke; provided further, that not less than \$100,000 shall be expended for maintenance and improvements to Granville State Forest in Granville; provided further, that not less than \$250,000 shall be expended for maintenance and improvements to Robinson State Park in Agawam; and provided further, that not less than \$100,000 shall be expended for maintenance and improvements to Tolland State Forest in Tolland”.

87

After remarks, the amendment was adopted.

Mr. Humason moved that the proposed new text be amended in section 2, in item 2840-7025, by adding the following words:- “provided further that not less than \$100,000 shall be expended for the maintenance and improvements to the Gerald J. Mason Memorial Swimming Pool in Agawam; and provided further, that not less than \$100,000 shall be expended for the maintenance and improvements to of the Sara Jane Sherman Memorial Swimming Pool in Chicopee”.

88

The amendment was adopted.

Mr. Hinds moved that the proposed new text be amended in section 2, in item 2000-7072, by adding the following words:- “; provided further, that \$200,000 shall be expended for improvements to the glacial pothole overlook in the town of Shelburne”.

61

The amendment was adopted.

Messrs. Cyr, Pacheco, Collins, DiDomenico, Boncore and O'Connor moved that the proposed new text be amended by inserting in section 2, in item 2800-1121, after the word “lands” in line 284, the first time it appears, the following words:- “, including barrier beaches that separate great ponds from the Atlantic Ocean”.

70

The amendment was adopted.

Mr. Timilty moved that the proposed new text be amended in section 2, in item 2000-7072, by adding the following words:- “; provided further, that not less than \$208,683 shall be expended for an infiltration basin in the woodland behind Cunningham school in the town of Milton”.

89

After remarks, the amendment was adopted.

Mr. Timilty moved that the proposed new text be amended in section 2, in item 2000-7072, by adding the following words:- “; provided further, that not less than \$158,283 shall be expended for storm water improvements to the intersection of Adams and Pleasant streets in the town of Milton”.

90

The amendment was adopted.

Mr. Timilty moved that the proposed new text be amended in section 2, in item 2890-7034, by adding the following words:- “; provided further, that not less than

94

\$104,813 shall be expended for storm water improvements to the police station parking lot in the town of Milton”.

The amendment was adopted.

Mr. Lesser moved that the proposed new text be amended in section 2, in item 2800-7014, by adding the following words:- “; provided further, that \$685,000 shall be expended for the dredging of Laurel Park pond in the town of Longmeadow”.

97

The amendment was adopted.

Mr. Timilty moved that the proposed new text be amended in section 2, in item 2500-7021 by adding the following words:- “; provided further, that not less than \$700,000 shall be expended for structural improvements to the Old Shepard dam in order to manage initial repair and longer-term maintenance to maintain typical historical pool elevations”.

98

The amendment was adopted.

Mr. Lesser moved that the proposed new text be amended in section 2, in item 2840-7025, by adding the following words:- “; provided further, that \$175,000 shall be expended for the resurfacing of the track and tennis courts at the Belchertown public schools complex in the town of Belchertown”.

99

The amendment was adopted.

Mr. Lesser moved that the proposed new text be amended in section 2, in item 2840-7025, by adding the following words:- “; provided further, that \$150,000 shall be expended for or the repair and replacement of bleachers in Whitney park in the city of Ludlow”.

104

The amendment was adopted.

Mr. Montigny moved that the proposed new text be amended in section 2, in item 2000-7072, by adding the following words:- “; provided further, that not less than \$700,000 shall be expended for recreational and capital facility improvements for the state park at Fort Phoenix in the town of Fairhaven”.

109

The amendment was adopted.

Mr. Montigny moved that the proposed new text be amended in section 2, in item 2000-7072, by adding the following words:- “; provided further, that not less than \$280,000 shall be expended for recreational improvements for Brooklawn park in the north end of the city of New Bedford; provided further, that not less than \$330,000 shall be expended for improvements to East beach at East Rodney French boulevard in the city of New Bedford; provided further, that not less than \$1,000,000 shall be expended to complete phase 2 restorations at Hazelwood park in the south end of the city of New Bedford, which shall include, but shall not be limited to, the creation of new playground facilities for children, construction of a community amphitheater and upgrades to the historic Congdon-Lucas House”.

111

The amendment was adopted.

Mr. Tarr moved that the proposed new text be amended in section 2, in item 2800-7014, by adding the following words:- “; provided further, that not less than \$350,000 shall be expended for improvements to Magnolia Pier in the city of Gloucester”; and in said section 2, in item 2890-7034, by adding the following words:- “; provided further, that not less than \$250,000 shall be expended for planning, development and construction of a foot bridge at Good Harbor beach in the city of Gloucester”.

112

After remarks, the amendment was adopted.

Mr. Lesser moved that the proposed new text be amended in section 2, in item 2840-7025, by adding the following words:- “; provided further, that \$250,000 shall be expended for the development of a kayak and canoe launch on the Chicopee river

101

adjacent to Fuller road in the city of Chicopee, including floating docks at the river with equipment that allows physically challenged individuals to launch their watercraft, and access the dock system with needed equipment to facilitate boarding watercraft from a wheelchair”.

After remarks, the amendment was adopted.

Suspension of Senate Rule 38A.

Mr. Feeney moved that Senate Rule 38A be suspended to allow the Senate to meet beyond the hour of 8:00 P.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted

Senate Rule 38A.

Orders of the Day

The Orders of the Day were further considered as follows:

The House Bill promoting climate change adaptation, environmental and natural resource protection, and investment in recreational assets and opportunity (House, No. 4613),-- was further considered, the main question being on ordering the bill to a third reading.

Environmental bond.

Messrs. Lesser and Welch moved that the proposed new text be amended in section 2, in item 2840-7025, by adding the following words:- “; provided further, that \$4,500,000 shall be expended to build or upgrade Camp STAR Angelina Administration Lodge, Forest Park Comfort Shelter and the Horticultural Training Center in Forest park to ensure that park structures are energy efficient in the city of Springfield”.

125

The amendment was adopted.

Mr. Hinds moved that the proposed new text be amended in section 2, in item 2800-7014, by adding the following words:- “; provided further, that not less than \$800,000 shall be provided to the city of Pittsfield for repairs to the Dan Casey Memorial drive culverts”.

128

The amendment was adopted.

Messrs. Lesser and Welch moved that the proposed new text be amended in section 2, in item 2840-7025, by adding the following words:- “; provided further, that \$240,000 shall be expended for upgrades to the play unit and lighting in Greenleaf park in the city of Springfield”.

136

The amendment was adopted.

Mr. Eldridge and Ms. L'Italien moved that the proposed new text be amended by inserting after section 13 the following section:-

137

“SECTION 13A. Said section 1 of chapter 21N, as so appearing, is hereby further amended by inserting after the definition of ‘Market-based compliance mechanism’ the following definition:-

‘Nature-based solutions’, strategies that conserve, create, restore and employ natural resources to enhance climate adaptation, resilience and mitigation to mimic natural processes or work in tandem with manmade engineering approaches to address natural hazards like flooding, erosion, drought, and heat islands and to maintain healthy natural cycles to sequester and maintain carbon and other greenhouse gases.”

The amendment was adopted.

Mr. Tarr, Ms. L'Italien and Messrs. Cyr and O'Connor moved that the proposed new text be amended by adding the following section:-

151

“SECTION__: Clause 10 of Section 7 of Chapter 44 as appearing in the 2016

official edition is hereby amended by inserting in line 72 after the word ‘protection’ the following:- ‘including projects and investments to cause carbon sequestration through sustainable forestry and salt marsh restoration, provided that they are subject to a municipal ownership interest or long-term contract.’”

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended in section 2E, in item 2000-7072, by adding the following words:- “; provided further, that not less than \$45,000 shall be expended for road improvements and the planning development and construction for signalization at the intersection of Central street and United States highway route 1 in the town of Rowley; provided further, that not less than \$250,000 shall be expended for road improvements and planning and development of Maple street on state highway route 62 in the town of Middleton”.

155

After remarks, the amendment was adopted.

Mr. DiDomenico moved that the proposed new text be amended in section 2, in item 2840-7025, by adding the following words:- “; provided further, that not less than \$2,000,000 shall be expended for Ryan Playground in the Charlestown neighborhood in the city of Boston, to support the design and implementation of flood resilience”.

157

After remarks, the amendment was adopted.

Mr. Barrett moved that the proposed new text be amended in section 2, in item 2000-7072, by adding at the end thereof the following:- “; provided further, that not less than \$50,000 shall be expended for sidewalk accessibility improvements in the town of Sudbury; provided further, that not less than \$925,000 shall be expended for new sidewalk construction in the town of Bedford; provided further, that not less than \$115,000 shall be expended for roadside path repairs in the town of Lincoln; provided further, that not less than \$111,000 shall be expended for the study and construction of intersection improvements in the town of Lincoln; provided further, that not less than \$13,000 shall be expended for new sidewalk construction in the town of Lincoln; and provided further, that not less than \$82,500 shall be expended for accessibility, informational, wayfinding, and safety improvements to the commuter lot at Lincoln Station in the town of Lincoln”.

159

After remarks, the amendment was adopted.

Messrs. Tarr, Montigny and O'Connor moved that the proposed new text be amended by inserting after section 43 the following section:-

163

“SECTION 43A. Section 44 of said chapter 130, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

If the measurement of any such lobster taken from 1 or the other eye sockets is of the required length, such lobster shall be deemed to be a legal lobster. In all prosecutions under this section, any mutilation of a lobster which affects its measurement as aforesaid shall be prima facie evidence that the lobster was or is shorter than the required length; provided, however, that the director shall, by regulation approved by the marine fisheries advisory commission, allow the on-shore processing of live lobsters of legal length into frozen shell-on lobster parts or tails and the importation of unfrozen shell-on lobster parts or tails for the purpose of further processing by wholesale dealers that are licensed by the department of public health under section 77G of chapter 94. Processed frozen shell-on lobster parts or tails may be possessed, sold or offered for sale by a wholesale dealer, retail dealer or food establishments and such food product may be possessed by a consumer. The processing, possession or sale of frozen or unfrozen lobster tails pursuant to this

section shall be limited to lobster tails weighing at least 3 ounces. The packaging of processed frozen or unfrozen shell-on lobster parts or tails pursuant to this section as a food product shall be labeled in accordance with applicable federal and state laws and regulations. This section shall not apply to common carriers having lobster in their possession for the purpose of transportation.”;

In section 79, by striking out, in lines 1272 and 1273 the words “June 14, 2019” and inserting in place thereof the following words:- “October 31, 2018”; and

By adding the following section:-

“SECTION 83. Section 43A shall take effect on March 15, 2019.”

After remarks, the amendment was adopted.

Ms. Jehlen and Messrs. Lesser and O'Connor moved that the proposed new text be amended in section 2, in item 2500-7021, by adding the following words:- “; provided further, that not less than \$1,000,000 shall be expended for the establishment of an energy storage innovation institute at the Massachusetts clean energy center, to promote energy storage innovation in the commonwealth”.

After remarks, the amendment was adopted.

Ms. Jehlen moved that the proposed new text be amended in section 2, in item 2840-7025, by adding the following words:- “; provided further, that not less than \$1,000,000 shall be expended for repairs and improvements to Foss park in the city of Somerville”.

The amendment was adopted.

Ms. Jehlen moved that the proposed new text be amended in section 2, in item 2000-7073, by adding the following words:- “; provided further, that not less than \$1,000,000 shall be expended for shoreline and park restoration at Blessing of the Bay park in the city of Somerville”.

The amendment was adopted.

Ms. Gobi moved that the proposed new text be amended in section 2, in item 2000-7072, by adding the following words:- “; provided further, that \$100,000 shall be expended for drainage pipe improvements on Stoddard place in the town of North Brookfield”.

The amendment was adopted.

Ms. Gobi moved that the proposed new text be amended in section 2, in item 2840-7025, by adding the following words:- “; provided further, that \$100,000 shall be expended for improvements to Howe state park in the town of Spencer; provided further, that \$100,000 shall be expended for improvements to Moore state park in the town of Paxton”.

The amendment was adopted.

Ms. Gobi moved that the proposed new text be amended in section 2, in item 2200-7022, by adding the following words:- “; provided further, that \$5,000,000 shall be expended for water infrastructure improvements in the town of Hardwick; provided further, that \$2,000,000 shall be expended for water and sewer improvements in the town of Palmer including, but not limited to, the replacement of a sewer siphon, a generator and expansion of the Palmer sewer system, installation of a centrifuge at the Palmer wastewater treatment plant, replacement of a scum concentrator and the replacement of grinder pumps on Lake Thompson; provided further, that \$2,000,000 shall be expended for extensions to the public water line in the town of Sturbridge; provided further, that \$15,000 shall be expended for the construction of a new well to provide drinking water for the town hall in the town of Phillipston”.

After remarks, the amendment was adopted.

Ms. Gobi moved that the proposed new text be amended in section 2, in item 2000-7074, by adding the following words:- “; provided further, that \$300,000 shall be expended for engineering, improvements and repairs to the Hamilton Reservoir dam in the town of Holland; provided further, that \$200,000 shall be expended for improvements to the Queen Lake dam in the town of Phillipston”.

The amendment was adopted.

Ms. Jehlen, Messrs. Lewis, Brownsberger and DiDomenico and Ms. Friedman moved that the proposed new text be amended in section 2, in item 2800-7025, by adding the following words:- “; provided further, that not less than \$200,000 shall be expended to complete a pumping capacity evaluation of the Amelia Earhart Dam; provided further, that not less than \$2,000,000 shall be expended to purchase and install a fourth pump at the Amelia Earhart Dam on the Mystic River”.

The amendment was adopted.

Ms. Gobi moved that the proposed new text be amended in section 2, in item 2000-7072, by adding the following words:- “; provided further, that \$25,000 shall be expended for improvements to Turkey Hill pond in the town of Rutland; provided further, that \$25,000 shall be expended for improvements to Demond Hill pond in the town of Rutland; provided further, that \$120,000 shall be expended for improvements to O'Gara park in the town of Spencer, including, but not limited to, the construction of a field house and improvements to the grandstand; provided further, that \$10,000 shall be expended for improvements to Powder Mill park in the town of Spencer; provided further, that \$5,000 shall be expended for improvements to Luther Hill park in the town of Spencer”.

The amendment was adopted.

Ms. Jehlen, Messrs. DiDomenico and Collins, Ms. L'Italien and Mr. O'Connor moved that the proposed new text be amended in section 2, in item 2000-7071, by adding the following words:- “; provided further, that not less than \$800,000 shall be expended for the implementation of a combined sewer overflow monitoring and notification system under Chapter 21 of the General Laws”.

The amendment was adopted.

Mr. Timilty moved that the proposed new text be amended in section 2, in item 2800-7023, by adding the following words:- “; provided further, that not less than \$220,000 shall be expended for the Elm street culvert replacement effort in the town of Canton”.

The amendment was adopted.

Mr. Timilty moved that the proposed new text be amended in section 2, in item 2000-7072, by adding the following words:- “; provided further, that not less than \$3,708,221 shall be expended for the reconstruction of Turnpike street in the town of Stoughton to combat roadway settlement caused by a vast depth of decomposing subsurface material”.

The amendment was adopted.

Mr. Lewis moved that the proposed new text be amended in section 2, in item 2800-7014, by adding the following words:- “; provided further, that not less than \$800,000 shall be expended to the city of Melrose for costs associated with dredging First pond”.

The amendment was adopted.

Messrs. Cyr, Welch, Eldridge, Lewis and O'Connor moved that the proposed new text be amended in section 9, by striking the words “and (v)” in line 617, and inserting in place thereof the following:- “(v) costs incurred by the bureau of environmental health within the department of public health associated with

monitoring, studying and reporting on environmental pollutants in the air, water, or soil to prevent or minimize environmental harms to public health; and (vi)”.

The amendment was adopted.

Mr. Boncore moved that the proposed new text be amended in section 2, in item 2000-7073, by adding the following words:- “; provided further, that not less than \$1,000,000 shall be expended for the purposes of public safety measures to support and mitigate the impacts of the proposed Massachusetts Water Resources Authority fishing pier at Deer Island”.

223

The amendment was adopted.

Mr. Boncore moved that the proposed new text be amended in section 2, in item 2000-7072, by adding the following words:- “; provided further, that \$500,000 shall be expended to study the environmental and noise impacts, potential methods to reduce the impacts and potential sources for mitigation of the I-90 construction project along Storrow drive in the city of Boston and Memorial drive in the city of Cambridge”.

224

The amendment was adopted.

Mr. Boncore moved that the proposed new text be amended in section 2, in item 2000-7072 by adding the following words:- “; provided further, that not less than \$3,000,000 shall be expended on the planning and construction of a water transportation facility at Lewis Mall in the East Boston section of the city of Boston”.

226

The amendment was adopted.

Mr. O'Connor moved that the proposed new text be amended in section 2, in item 2810-0100, by inserting the following:- “provided further, notwithstanding any general or special law to the contrary, the department is hereby authorized to expend funds for a one-time paving of Cushing Park Road, a private way in the town of Scituate, which provides access to the department’s Cushing Memorial State Park”.

230

The amendment was adopted.

Mr. Tran moved that the proposed new text be amended in section 2, in item 2000-7079, by adding at the end thereof the following:- “; provided further, that not less than \$30,000 shall be expended for an asbestos and lead removal project at the Fitchburg library in the city of Fitchburg; provided further, that not less than \$465,000 shall be expended for an asbestos and lead removal project at the Clinton senior center in the town of Clinton”.

235

After remarks, the amendment was adopted.

Mr. Tran moved that the proposed new text be amended in section 2E, in item 2000-7072, by adding the following words:- “; provided further, that not less than \$1,125,000 shall be expended for improvements on Elm Street in the city of Gardner”.

237

The amendment was adopted.

Mr. Collins moved that the proposed new text be amended in section 2, in item 2000-7077, by adding the following words:- “; provided further, that not less than \$1,000,000 shall be expended to the city of Boston for the planning, construction and maintenance of the Coppen’s Square fountain renovation and beautification project; provided further, that not less than \$300,000 shall be expended for the planning and construction of public access, recreation and landscaping improvements on lands of the commonwealth along the Neponset river adjacent to Edgewater drive in the Mattapan section of the city of Boston; provided further, that not less than \$250,000 shall be expended for improvements including, but not limited to, paving, basketball court and wading pool upgrades at Ryan Playground on River street in the city of Boston”.

242

- The amendment was adopted.
- Mr. Collins moved that the proposed new text be amended in section 2, in item 2840-7025, by adding the following words:- “; provided further, that not less than \$250,000 shall be expended for the planning, design, construction and programming of an indoor golf facility at the site of the former Boston State Hospital in the Mattapan section of the city of Boston”. 243
- The amendment was adopted.
- Mr. Timilty moved that the proposed new text be amended in section 2, in item 2800-7023, by adding the following words:- “; provided further, that not less than \$900,000 shall be expended for the recreation department of town of Milton”. 244
- The amendment was adopted.
- Ms. Lovely moved that the proposed new text be amended in section 2, in item 2000-7072, by inserting at the end thereof the following:- “; provided further, that not less than \$1,500,000 be expended to the City of Peabody for demolition of the existing building and for the design, engineering and permitting of an upgraded drainage system for the parcel and its tributaries known as 10 Lowell Street”. 247
- After remarks, the amendment was adopted.
- Mr. Tran moved that the proposed new text be amended in section 2, in item 2890-7034, by adding the following words:- “; provided further, that not less than \$500,000 shall be expended for developing the Bartlett pond trail in the town of Lancaster; provided further, that not less than \$900,000 shall be expended for developing the Rollstone hill trail in the city of Fitchburg”. 258
- The amendment was adopted.
- Mr. Cyr moved that the proposed new text be amended by inserting in item 2000-7073, after the word “projects” in line 78, the following:- “; provided further, that not less than \$250,000 shall be expended to mitigate the impacts of ocean erosion in the town of Gosnold; provided further, that not less than \$200,000 shall be expended for the town of Nantucket to draft and create a coastal resiliency plan”. 262
- The amendment was adopted.
- Mr. Fattman moved that the proposed new text be amended in section 2, in item 2800-7031, by adding the following words:- “; provided further, that not less than \$254,000 shall be expended to the Webster Lake Association, Inc. for invasive species mitigation in Lake Chargoggagogmanchauggagoggchaubunagungamaugg in the town of Webster”. 263
- The amendment was adopted.
- Mr. Fattman moved that the proposed new text be amended in section 2C, in item 2000-7078, by adding the following words:- “; provided further, that not less than \$100,000 shall be expended to the towns of Dudley and Webster for improvements to the Quinnebaug rail trail; provided further, that not less than \$46,000 shall be expended to the town of Sutton for the expansion of and improvements to the trails at Marion’s Camp”. 264
- The amendment was adopted.
- Mr. Fattman moved that the proposed new text be amended in section 2, in item 2200-7016, by adding the following words:- “; provided further, that not less than \$1,000,000 shall be expended for an oil spill cleanup at a developable site in the town of Sutton”. 265
- The amendment was adopted.
- Mr. Fattman moved that the proposed new text be amended in section 2, in item 2000-7072, by adding the following words:- “; provided further, that not less than \$100,000 shall be expended to the Worcester Community Action Council, Inc. for 266

soil remediation at its Head Start project site in the town of Webster; provided further, that not less than \$500,000 shall be expended to the town of Uxbridge for a soil remediation project in the South Uxbridge section of the town ; provided further, that not less than \$250,000 shall be expended for soil remediation at the Draper Mill Complex in the town of Hopedale”.

The amendment was adopted.

Mr. Fattman moved that the proposed new text be amended in section 2, in item 2200-7022, by adding the following words:- “; provided further, that not less than \$1,500,000 shall be expended to the town of Millville for water infrastructure improvements in the neighborhoods abutting Kempton road; provided further, that not less than \$1,000,000 shall be expended on water infrastructure improvements to increase the reliable water supply in the town of the Mendon; provided further, that \$1,000,000 shall be expended for improvements to the wastewater treatment facility in the town of Southbridge; provided further, that \$250,000 shall be expended to the town of Dudley for the expansion of a water main line to the town of Southbridge”.

267

The amendment was adopted.

The President in the Chair, Mr. Collins moved that the proposed new text be amended in section 2, in item 2500-7021, by adding the following words:- “; provided further, that not less than \$300,000 shall be expended for the greenhouse and farming initiatives at the Fowler-Clark farm in the Mattapan section of the city of Boston”.

269

The amendment was adopted.

Mr. Collins moved that the proposed new text be amended in section 2, in item 2000-7061, by adding the following words:- “; provided further, that not less than \$1,000,000 shall be provided to the city of Boston for the planting of new trees in the South Boston, Dorchester, Mattapan and Hyde Park sections of the city and the creation of a Geographic Information System, geo-coded inventory and condition assessment of the city’s trees by a licensed arborist”.

274

The amendment was adopted.

Mr. Collins moved that the proposed new text be amended in section 2, in item 2000-7077, by adding the following words:- “; provided further, that not less than \$2,000,000 shall be expended on the planning, construction and maintenance of the Dot Greenway, located above the Massachusetts Bay Transportation Authority red line tunnel cap between Talbot avenue and Park street in the Dorchester section of the city of Boston”.

275

The amendment was adopted.

Ms. L'Italien moved that the proposed new text be amended in section 2, in item 2000-7072, by adding the following words:- “; provided further, that not less than \$2,200,000 shall be expended for environmental remediation of property along the banks of the Merrimack River and the Construction of Riverview Park in the city of Lowell”.

278

After remarks, the amendment was adopted.

Mr. Tran moved that the proposed new text be amended in section 2, in item 2800-7031, by adding the following words:- “; provided further, that not less than \$100,000 shall be expended for weed eradication on the Nashua river in the city of Fitchburg”.

279

The amendment was adopted.

Ms. L'Italien moved that the proposed new text be amended in item 2000-7072, by adding the following words:- “; provided further, that not less than \$750,000 shall be expended for environmental remediation of ash fill and reconstruction of the

280

baseball field at O'Donnell Park in the city of Lowell”.

After remarks, the amendment was adopted.

Mr. Boncore moved that the proposed new text be amended in section 2, in item 2000-7073, by adding the following words:- “; provided further, that \$300,000 shall be expended for a study to determine solutions to flooding issues in the Riverside, Point of Pines and Beachmont sections of the city of Revere; provided further, that not less than \$200,000 shall be expended to implement the findings of said study”.

The amendment was adopted.

Ms. L'Italien moved that the proposed new text be amended in section 2, in item 2000-7072, by adding the following words:- “; provided further, that not less than \$1,250,000 shall be expended for environmental testing and potential remediation of hazardous materials at the Lowell high school construction site based on the hazardous materials survey performed in fall 2016 by Universal Environmental Consultants”.

After remarks, the amendment was adopted.

Ms. L'Italien moved that the proposed new text be amended in section 2, in item 2000-7072, by adding the following words:- “; provided further, that not less than \$500,000 shall be expended to fund professional services associated with the mitigation of contaminated needles in the public way”.

After remarks, the amendment was adopted.

Ms. L'Italien moved that the proposed new text be amended in section 2, in item 2000-7072, by adding the following words:- “; provided further, that not less than \$1,000,000 shall be expended for developing and implementing a grant program to improve the quality and quantity of waste diversion in gateway cities; provided further, that grants of financial assistance issued under said grant program shall include, but not be limited to, efforts to promote appropriate waste diversion practices via print materials, conventional and electronic media advertising and outreach efforts to residents of gateway cities”.

After remarks, the amendment was adopted.

Ms. L'Italien moved that the proposed new text be amended in section 2, in item 2000-7072, by adding at the end thereof the following:- “and provided further, that not less than \$300,000 shall be expended to fund construction, maintenance, and improvements to a mattress recycling facility operated by UTEC, a Lowell-based youth services non-profit organization”.

After remarks, the amendment was adopted.

Mr. Pacheco moved that the proposed new text be amended by inserting after section 16 the following section:-

“SECTION 16A. Chapter 29 of the General Laws is hereby amended by inserting after section 2TTTT the following section:-

Section 2UUUU. There shall be a solid waste reduction assistance fund. The commissioner of environmental protection shall be the trustee of the fund. The fund shall be credited with revenues transferred to it through: (i) penalties assessed to solid waste haulers for waste ban violations on waste disposed of at a solid waste disposal facility; (ii) appropriations, bond proceeds or other funds authorized by the general court and specifically designated to be credited to the fund; (iii) other amounts credited or transferred to the fund from another fund or source; and (iv) interest earned on the money in the fund. The amount credited to the fund shall be expended without further appropriation. Money in the fund shall be allocated by the department to fund municipal and other recycling programs, composting programs, composting and recycling public education programs and programs promoting zero

waste principles. Money in the fund may also be allocated to provide grants to solid waste haulers and generators for equipment to assist in meeting the commonwealth's waste ban requirements. The unexpended balance in the fund at the end of a fiscal year shall not revert to the General Fund but shall remain available for expenditure in subsequent fiscal years. The commissioner of environmental protection shall annually, not later than December 31, file a report with the clerks of the senate and house of representatives, who shall forward the same to the senate and house chairs of the joint committee on environment, natural resources and agriculture, detailing the amount and source of money credited to the fund and the expenditures and grants provided from the solid waste reduction assistance fund.”; and

By inserting after section 79 the following section:-

“SECTION 79A. (a) The commissioner of environmental protection shall establish performance standards for the reduction of municipal solid waste, as described in subsection (b), to achieve the purposes of the solid waste master plan and greenhouse gas reduction plan and to protect the natural environment, preserve resources, achieve progress toward the goals to reduce greenhouse gases and create green jobs. The performance standards shall be promulgated by July 1, 2019.

(b) The department of environmental protection shall establish performance standards for municipal solid waste reduction in each municipality on the basis of pounds per capita of solid waste disposed. The standards shall reduce solid waste to not more than 600 pounds per capita by July 1, 2020 and not more than 450 pounds per capita by July 1, 2024. A municipality that does not administer trash and recycling collection shall be exempt from meeting performance standards for municipal solid waste reduction established in this section; provided, however, that the municipality shall confer with its residents and private waste disposal companies to establish solid waste performance standards for the municipality.

(c) Not later than December 1, 2019, the secretary of energy and environmental affairs, in consultation with the department of environmental protection and the department of energy resources, shall develop a municipal solid waste standards action plan to assist municipalities in achieving the standards set forth in subsections (a) and (b). The secretary shall review the effectiveness of existing recycling programs and other incentives available to achieve these standards and shall make any recommendations available to the public on the website of the executive office of energy and environmental affairs. Recommendations may include, but shall not be limited to, potential regulatory or statutory changes to the solid waste master plan, the Clean Energy and Climate Plan for 2020 or the green communities program. The secretary shall consult with the solid waste advisory committee in developing the plan.

(d) Each city and town shall report to the department of environmental protection annually, by not later than September 1, the total weight of solid waste disposed of through the solid waste program of the city or town during the prior fiscal year, as well as the number of households and residents who participated in the program; provided, however, that if a city or town enters into a contract with a solid waste hauler for the transportation of material for disposal and recycling, the contract may provide for the solid waste hauler to make the report to the department. If the department makes a determination that a city or town has not met the municipal solid waste reduction performance standards as prescribed by the department by July 1, 2020, that city or town shall submit a report to the department setting forth the reasons that the town did not meet the standards and detailing a plan to achieve the performance standards by July 1, 2024. The department shall issue a report on the

municipal solid waste programs not later than December 1 of that year that provides per capita solid waste disposal statistics for the municipal solid waste programs and shall file the report with the clerks of the senate and house of representatives and the senate and house chairs of the joint committee on environment, natural resources and agriculture. The report may disaggregate solid waste tonnage information to highlight categories of waste, including waste that is beyond the control of a city or town such as waste created as a result of a natural disaster.

(d) A city or town that has a high risk of failing to reach the per capita municipal solid waste reduction standard under section 2 may file hardship documentation with the department of environmental protection detailing the reasons for not reaching the municipal solid waste reduction standard. The department shall prioritize sustainable materials recovery program municipal grant applications from cities and towns that submit hardship documentation under this section.

(e) Notwithstanding any general or special law to the contrary, in a city or town that does not provide solid waste removal, a privately contracted waste disposal and trash hauling contract entered into on or after the effective date this act shall include a recycling option for the customers served under the contract.

(f) Subsections (a) to (e), inclusive, shall be subject to appropriation.”

The amendment was adopted.

Messrs. Welch and Lesser moved that the proposed new text be amended in section 2C, in item 2000-7078, by inserting at the end thereof the following:- “provided further that \$1,000,000 shall be expended to build or upgrade the woodland trails systems in Forest Park, Blunt Park and Van Horn Park”.

118

The amendment was adopted.

Messrs. Tarr and O'Connor moved that the proposed new text be amended by inserting after section 79 the following section:-

192

“SECTION 79A. Notwithstanding any general or special law to the contrary, the secretary of energy and environmental affairs shall explore the feasibility of more extensive engagement with the United States Army Corp of Engineers to ensure beneficial reuse of dredged sand material. Such study and any recommendations shall be submitted to the clerks of the senate and house of representatives not later than December 31, 2018.”

The amendment was adopted.

Messrs. Tarr, deMacedo, Rodrigues, Cyr and Ross, Ms. L'Italien and Messrs. Lesser, Montigny, Fattman, Hinds and Humason move that the proposed new text be amended in section 2, in item 2300-0421, by adding the following words:- “; provided further, that funds shall be expended for the Fishing Innovation Fund established under chapter 10 of the General Laws”;

49

In said section 2, in item 2500-7021, by adding the following words:- “; provided that funds shall be expended for the Agricultural Innovation Fund established under chapter 10 of the General Laws”; and

By inserting after section 9 the following section:-

“SECTION 9A. Chapter 10 of the General Laws as appearing in the 2016 Official Edition is hereby amended by inserting after section 35DDD the following section:-

Section 35III. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Fishing Innovation Fund. The fund shall finance grants for permit banks, the design, construction and modification of commercial fishing vessels including, but not limited to, research, development and construction of innovative fishing vessels with attributes including, but not limited to, increased fuel efficiency, reduced carbon emissions, improved stability

and the capability of supporting sustainable fishing practices through harvesting and on-board storage and processing methods, research, development, acquisition and deployment of advanced or innovative technologies including, but not limited to, sonar, radar, radio communications, satellite and global position and other locating and tracking devices and the research and development, acquisition and deployment of safety equipment and technologies; provided, that any such grants may be conditioned on a vessel or guarantor or other reasonable condition remaining active in commercial fishing in the commonwealth, landing or processing fish in the commonwealth or maintaining permits or licenses to do so without regard or preference to any particular geographic location or region of the commonwealth; provided further, that grants shall be distributed in a manner developed by the advisory committee established under clause (c).

(b) The fund shall consist of: (i) any revenues or other financing sources directed to the fund by appropriation; (ii) bond revenues or other monies authorized by the general court and specifically designated to be credited to the fund; (iii) any income derived from the investment of amounts credited to the fund or repayment of loans from the fund; (iv) funds from public or private sources including, but not limited to, gifts, federal or private grants, donations, rebates and settlements received by the commonwealth that are specifically designated to be credited to the fund; and (v) all other amounts credited or transferred into the fund from any other source. The Department of Fish and Game shall seek to maximize fund revenues through federal monies, matching funds and grants. The fund shall be administered by the commissioner of the department of fish and game in consultation with the advisory committee established under clause (c), subject to approval by the secretary of administration and finance. Any unexpended balances in the fund at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditures in the subsequent fiscal year.

(c) There shall be an advisory committee that shall consist of: the director of marine fisheries, who shall serve as chair; and 12 members to be appointed by the governor, 2 of whom shall have academic or research experience in fishing and the marine economy and 10 of whom shall be from geographically diverse regions of the commonwealth. There shall be at least 1 representative for each of the following gear types: (i) mobile gear, such as trawls; (ii) hooks; (iii) gillnets; and (iv) traps.

The advisory committee shall file a report detailing the amount, types and nature of grants made and the impacts of the grants with the clerks of the senate and house of representatives annually, not later than September 30.

The advisory committee shall annually hold at least 1 public hearing to receive public testimony to inform its efforts in developing and deploying grant programs.

(d) Annually, not later than December 1, the commissioner of the department of fish and game shall report on the activities of the fund to the clerks of the senate and house of representatives and to the senate and house committees on ways and means. The report shall include an accounting of expenditures made from the fund with a description of the authorized purpose of each expenditure, an accounting of amounts credited to the fund and any unexpended balance remaining in the fund.

Section 35JJJ. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Agricultural Innovation Fund. The fund shall finance grants for the commonwealth's agricultural and cranberry producers through the Agricultural Innovation Center for programs that may add value to the producers' products and services; provided, that the Agricultural Innovation Center shall develop an outreach program to identify and foster new, innovative ideas and approaches to adding value to the commonwealth's agricultural

and cranberry economy; provided further, that the Agricultural Innovation Center may solicit requests from the commonwealth's agricultural and cranberry industry for funding and technical assistance in: (i) reclamation and revitalization of cranberry bogs; (ii) training, marketing, distribution, applied research, agri-tourism, aquaculture, forestry, processing, fiber and agricultural resource management research, development, poultry and red meat processing and construction of energy efficient agricultural buildings and structures; and (iii) research, development and construction of energy efficient agricultural equipment. Grants shall be administered in a manner developed by the advisory committee established under clause (c).

(b) The fund shall consist of: (i) any revenues or other financing sources directed to the fund by appropriation; (ii) bond revenues or other monies authorized by the general court and specifically designated to be credited to the fund; (iii) any income derived from the investment of amounts credited to the fund or repayment of loans from the fund; (iv) funds from public or private sources including, but not limited to, gifts, federal or private grants, donations, rebates and settlements received by the commonwealth that are specifically designated to be credited to the fund; and (v) all other amounts credited or transferred into the fund from any other source. The department of fish and game shall seek to maximize fund revenues through federal monies, matching funds and grants. The fund shall be administered by the commissioner of agricultural resources in consultation with the advisory committee established under clause (c), subject to approval by the secretary of administration and finance. Any unexpended balances in the fund at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditures in the subsequent fiscal year.

(c) There shall be an advisory committee that shall consist of the commissioner of agricultural resources, who shall serve as chair; and 12 members to be appointed by the governor, 2 of whom shall have academic or research experience in the agriculture and cranberry economy and 10 of whom shall be from geographically diverse regions of the commonwealth, with at least 1 from the following sectors: (i) horticulture; (ii) cranberry growing; (iii) dairy farming; (iv) raising livestock; and (v) raising crops. The Agricultural Innovation Center shall consult with the advisory committee in matters related to the fund and in the implementation of this section.

The advisory committee shall file a report detailing the amount, types, and nature of grants made and the impacts of the grants with the clerks of the senate and house of representatives annually, not later than September 30.

The advisory committee shall annually hold at least 1 public hearing to receive public testimony to inform its efforts in developing and deploying grant programs.

(d) Annually, not later than December 1, the commissioner of agricultural resources shall report on the activities of the fund to the clerks of the senate and house of representatives and to the senate and house committees on ways and means. The report shall include an accounting of expenditures made from the fund with a description of the authorized purpose of each expenditure, an accounting of amounts credited to the fund and any unexpended balance remaining in the fund."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-four minutes before nine o'clock P.M., on motion of Mr. Tarr, as follows to wit (yeas 37 – nays 0) **[Yeas and Nays No. 440]**

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.

Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.

- | | |
|--------------------------|-------------------------|
| Brownsberger, William N. | L'Italien, Barbara A. |
| Chandler, Harriette L. | Lovely, Joan B. |
| Chang-Diaz, Sonia | 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. – 37. |
| Jehlen, Patricia D. | |

NAYS – 0.

ABSENT OR NOT VOTING.

Collins, Nick – 1.

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

Ms. Spilka moved that the proposed new text be amended in section 2, in item 2200-7022, by adding the following words:- “; provided further, that not less than \$150,000 shall be expended for drainage and other town common improvements in the town of Royalston; provided further, that not less than \$1,000,000 shall be expended for water and sewer improvements in the town of Colrain; provided further, that not less than \$1,000,000 shall be expended for planning, design and infrastructure improvements for wastewater treatment facilities in the city of Northampton; provided further, that not less than \$1,000,000 shall be expended for planning, design and infrastructure improvements for drinking water systems in the city of Northampton”;

In said section 2, in said item 2200-7022, by striking out the figure “\$95,000,000” and inserting in place thereof the following figure:- “\$105,000,000”;

In said section 2, in item 2000-7074, by adding the following words:- “; provided further, that not less than \$100,000 shall be expended for the repair, design, permitting and construction of the Leverett Pond dam in the town of Leverett; provided further, that not less than \$1,250,000 shall be expended for infrastructure and improvements at Green River and the Wiley-Russell Dam in the town of Greenfield”;

In said section 2, in item 2890-7034, by adding the following words:- “; provided further, that not less than \$1,000,000 shall be expended for planning, design and infrastructure improvements for the Rocky Hill bike path in the city of Northampton; provided further, that not less than \$5,000,000 shall be expended for costs associated with the design, improvements and restoration of the Charlesgate Park in the city of Boston”;

In said section 2, in item 2000-7075, by adding the following words:- “; provided further, that not less than \$500,000 shall be expended for invasive species mitigation in the city of Northampton”;

283

UNCORRECTED PROOF.

In said section 2, in item 2000-7072, by striking out the figure “\$165,000,000” and inserting in place thereof the following figure:- “\$175,000,000”;

In said section 2, in item 2800-7014, by striking out the figure “\$21,000,000” and inserting in place thereof the following figure:- “\$26,000,000”; and

In section 3, line 534, by striking out the figure “\$1,543,500,000” and inserting in place thereof the following figure:- “\$1,568,500,000”

The amendment was adopted.

The Ways and Means amendment, as amended, was then adopted.

The Bonding amendment, as amended (Ways and Means) was then adopted.

The bill, as amended, was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at eighteen minutes before nine o'clock P.M., on motion of Ms. Gobi, as follows to wit (yeas 38 – nays 0) [**Yeas and Nays No. 441**]:

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 a quarter before nine o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments [For text of Senate amendment, printed as amended, see Senate, No. 2602].

PAPER FROM THE HOUSE

Engrossed Bill — Land Taking for Conservation Etc.

An engrossed Bill authorizing the town of Boylston to convey a certain parcel of land (see House, No. 4197) (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 taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at fourteen minutes before nine o'clock

Boylston,-- land conveyance.

UNCORRECTED PROOF.

P.M., as follows, to wit (yeas 38 - nays 0) [**Yeas and Nays No. 442**]:

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 twelve minutes before nine 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.

Order Adopted.

On motion of Mr. Tarr,--

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.

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 Major General George W. Keefe.

Moment of silence.

Adjourn In Memory of Major General George W. Keefe of Northampton

The Senator from Hampden and Hampshire, Mr, Humason, and the Senator from Norfolk and Suffolk, Mr. Rush, moved that when the Senate adjourns today, it adjourn in memory of Major General George W. Keefe of Northampton.

Messrs. Humanson and Rush in the Chair, Major General George W. Keefe was selected as the 39th Adjutant General of Massachusetts, in 1999, by Massachusetts Governor, the Honorable Argeo Paul Cellucci. With this appointment, Major General Keefe became the first US Air Force Officer to serve as Massachusetts Adjutant General since 1778. Major General Keefe continued to serve under Lieutenant Governor and then Acting Governor Jane Swift. Governor

Mitt Romney re-appointed Major General Keefe to his second term as Adjutant General, a position he held until Major General Keefe retired with 49 years of military service in 2005.

Major General Keefe enlisted in the Massachusetts Air National Guard's 104th Tactical Fighter Group in Westfield in 1956 as a Crash Fire Rescue Specialist attaining the rank of Master Sergeant before he was selected for a commission as an Officer and First Lieutenant. He served as a Squadron, Group, and Vice Wing Commander at the 104th Tactical Fighter Group before being selected to serve at the Massachusetts National Guard Joint Force Headquarters. He was the last Massachusetts Air National Guard member to serve in uniform who were federally activated and deployed from October 1961 to September 1962 to Phalsbourg, France for OPERATION STAIR STEP, the US Military response to the Berlin Crisis.

Major General Keefe was also enshrined in the US Air Forces Enlisted Heritage Hall at Maxwell Air Force Base, Alabama, as one of the few General Officers who rose from the rank of Airman Basic to Major General.

Major General Keefe was the father of Major General Gary W. Keefe, current Adjutant General of the Massachusetts National Guard; Colonel Patrick E. Keefe, commander of the ARNG Training Site at Camp Edwards; and Brigadier General James "Cobra" Keefe, former commander of the 104th Fighter Wing.

Recently when asked what he found most satisfying and rewarding about his long military career, Major General Keefe was quick to respond; "I had the chance to meet and serve with the best men and women in the world, and my job was to take care of my soldiers, airmen, and their families. That was my passion, and I hope I made a difference for them."

Major General George W. Keefe was born on April 24th, 1939 to Edward L. Keefe and Margaret (Sullivan) Keefe in Northampton, Massachusetts. He attended public schools in Northampton, and graduated from Northampton High School in 1956, and received his Associates Degree from Holyoke Community College in 1966.

Major General Keefe was active for many years as a youth baseball and basketball coach with the Northampton Recreation Department. He was President of the Northampton High School Boys Soccer Boosters, and the President of the Northampton High School Boys Lacrosse Boosters. Major General Keefe was also a Life Member of the VFW, Michael Curtin Post 8006, BPOE Lodge #997, Northampton St. Patrick's Association where he served as the Northampton Parade Marshal in 1994, and the American Legion Northampton Post.

Major General Keefe is survived by his son Gary and his wife Allison Keefe, and their children Garrett, Bridget, and Shannon, his son James and his wife Yvonne Keefe, and their children Liam and Caitlin, his son Patrick and his wife Leigh Keefe and their children Meagan, Brenna Patrick Jr, and Conan, and his son Timothy and his wife Nicole Keefe, and their children Tully Keefe, Avery Keefe, Daniel Strum, and Connor Strum. Major General Keefe also leaves his loyal and older brother Edward E. Keefe and his wife Maryanne "Sissy" Keefe. He also leaves his loving partner and "Honey" of 17 years, Geraldine "Gerri" Kingkade, his God Daughter Debbie Szipilla, and many loving nieces, nephews, cousins, neighbors, friends and extended family.

The President in the Chair, accordingly, as a mark of respect in memory of Major General George W. Keefe, at seven minutes before nine o'clock P.M., on motion of Ms. L'Italien, the Senate adjourned to meet again on Monday next at

eleven o'clock A.M.
