

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



WEDNESDAY, JULY 18, 2018

[71]

JOURNAL OF THE SENATE.

Wednesday, July 18, 2018.

Met at eleven minutes past eleven o'clock A.M. (Mr. Rodrigues in the Chair).

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

Pledge of allegiance.

Distinguished Guests.

There being no objection, the Chair (Mr. Pacheco) introduced in the rear of the Chamber, the Taunton High School Softball Team. The team was recognized for capturing their fifth state title in the program's history on June 23rd, after beating previously unbeaten Central champion Wachusett, 13-2. This win marked Taunton's first state title in 11 years. The Senate applauded their accomplishments, were presented with a Senate Citation and they withdrew from the Chamber. They were accompanied by Coach Dave Lewry who was recognized as the Boston Globe's Division I Coach of the Year.

Taunton High School
Softball Team.

There being no objection, the President handed the gavel to Ms. L'Italien for the purpose of an introduction. Ms. L'Italien then introduced, on the Rostrum, Miss Massachusetts 2018 Gabriela Taveras. Gabriela is the first woman of color to win this title, having taken the top honor out of 27 contestants at the 79th annual scholarship pageant last month. She is a graduate of Central Catholic High School in Lawrence and Emmanuel College and was recently named an "All Star Recruiter" at her job as an account recruiter at the large staffing firm Insight Global. The Senate applauded her accomplishments; she addressed the Senate from the Rostrum, signed the guest book and withdrew from the Chamber. The Senate also wished her well as she represents Massachusetts at the Miss America Pageant in September.

Gabriela Taveras,
Miss Massachusetts
2018.

There being no objection, the President handed the gavel to Mr. Pacheco for the purpose of an introduction. Mr. Pacheco then introduced, in the rear of the Chamber, Dr. Wing-kai To, Dr. Wendy Haynes and Dr. Michael Kryzanek from Bridgewater State University. They were accompanied by 25 Mandela Fellows from 18 Sub-Saharan African countries. The Senate welcomed them with applause and they withdrew from the Chamber. They were also guests of Senator Lewis.

Dr. Wing-kai To
Dr. Wendy Haynes
and Dr. Michael
Kryzanek.

There being no objection, the President handed the gavel to Ms. Lovely for the purpose of an introduction. Ms. Lovely then introduced, in the rear of the Chamber, artists from Montserrat College of Art in Beverly. There is currently an art exhibit in Room 428 showcasing the work of artists from the College. Among the group were the new President, Kurt T. Steinberg, who just joined the College after 12 years at the Massachusetts College of Art and Design where he served as executive vice president and one year as acting president, and Jo Broderick, Dean of College Relations & Special Assistant to the President. The Senate welcomed them with applause and they withdrew from the Chamber.

Montserrat College
of Art.

UNCORRECTED PROOF.

Report.

Report of the Department of Unemployment Assistance (pursuant to Section 14F of Chapter 151A of the General Laws) submitting the July 2018 unemployment Insurance Trust Fund report (received July 17, 2018),-- **was placed on file.**

DUA,-- trust fund report.
SD2724

Resolutions

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

Resolutions (filed by Mr. Pacheco) “commending Consul General José Rui Velez Carço for completing his tenure as Consul General of Portugal to the United States in Boston”; and

Consul General José Rui Velez Carço.

Resolutions (filed by Mr. Pacheco) “congratulating Jonathan McDougal on his elevation to the rank of Eagle Scout.”

Jonathan McDougal.

Recess.

There being no objection, at twelve minutes past eleven o’clock A.M., the Chair (Mr. Rodrigues) declared a recess subject to the call of the Chair; and, at twenty-four minutes before three o’clock P.M., the Senate reassembled, Mr. Pacheco in the Chair.

Recess.

The President in the Chair, at seventeen minutes before three o’clock P.M., Mr. Eldridge 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 eleven minutes before three o’clock P.M., a quorum was declared present.

Report of a Committee

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill relative to the creation of the Commonwealth Technical Rescue Regions and Coordinating Council (Senate, No. 1380),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2614).

Technical rescue regions,-- creation.

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

The bill (Senate, No. 2614) was then ordered to a third reading, read a third time and passed to be engrossed.

Subsequently, Mr. Rodrigues in the Chair, Mr. Timilty moved that no action be taken on engrossment of the bill; and this motion prevailed.

After remarks, the recurring question on engrossment was determined by a call of the yeas and nays, at eight minutes past seven o’clock P.M., on motion of Mr. Timilty, as follows, to wit (36 yeas – 0 nays) **[Yeas and Nays No. 452]:**

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Collins, Nick

Jehlen, Patricia D.
Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.

UNCORRECTED PROOF.

Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.

Moore, Michael O.
O'Connor, Patrick M.
O'Connor Ives, Kathleen
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 36.

NAYS – 0.

ABSENT OR NOT VOTING.

Chang-Diaz, Sonia

L'Italien, Barbara A. – 2.

The yeas and nays having been completed at eleven minutes past seven o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

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 Senate Bill requiring licensed auto insurance damage appraisers to provide safety notices to the owners of damaged motor vehicles (Senate, No. 157),-- was read a second time and was amended, as previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2605).

Appraisers,-- safety notices.

The bill (Senate, No. 2605) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

PAPER FROM THE HOUSE

Committee of Conference Report

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill making appropriations for the fiscal year 2019 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4401) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2530) (House, No. 4800),-- came from the House, and was read.

General appropriation bill.

Mr. Rodrigues moved that the rules be suspended so that the report be considered forthwith.

Suspension of the rules.

After debate, the question on suspension of the rules was determined by a call of the yeas and nays, at twelve minutes past three o'clock P.M. on motion of Mr. Tarr as follows, to wit (30 yeas – 7 nays) **[Yeas and Nays No. 443]:**

YEAS.

Barrett, Michael J.
Boncore, Joseph A.

Jehlen, Patricia D.
Keenan, John F.

UNCORRECTED PROOF.

Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Collins, Nick
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
Eldridge, James B.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.

Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor Ives, Kathleen
Pacheco, Marc R.
Rodrigues, Michael J.
Rush, Michael F.
Spilka, Karen E.
Timilty, Walter F.
Welch, James T. – **30.**

NAYS.

deMacedo, Viriato M.
Fattman, Ryan C.
Humason, Donald F., Jr.
O'Connor, Patrick M.

Ross, Richard J.
Tarr, Bruce E.
Tran, Dean A. – **7.**

ABSENT OR NOT VOTING.

Chang-Diaz, Sonia – **1.**

The yeas and nays having been completed at twenty-one minutes past three o'clock P.M., the rules were suspended.

Mr. Tarr moved that this vote be reconsidered.

Mr. Rodrigues in the Chair, after debate, the question on reconsideration was determined by a call of the yeas and nays, at twenty-three minutes before four o'clock P.M., on the motion of Mr. Tarr, as follows, to wit (8 yeas – 28 nays) [**Yeas and Nays No. 444**]:

Reconsideration.

YEAS.

deMacedo, Viriato M.
Fattman, Ryan C.
Humason, Donald F., Jr.
O'Connor, Patrick M.

O'Connor Ives, Kathleen
Ross, Richard J.
Tarr, Bruce E.
Tran, Dean A. – **8.**

NAYS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
Eldridge, James B.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.

Jehlen, Patricia D.
Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
Pacheco, Marc R.
Rodrigues, Michael J.
Rush, Michael F.
Spilka, Karen E.
Timilty, Walter F.
Welch, James T. – **28.**

ABSENT OR NOT VOTING.

Chang-Diaz, Sonia

Collins, Nick – **2.**

The yeas and nays having been completed at seventeen minutes before four o'clock P.M., the motion to reconsider was *negatived*.

The President in the Chair, after further remarks, the question on acceptance of the report of the committee of conference was determined by a call of the yeas and nays, at twenty-one minutes past four o'clock P.M., on motion of Ms. Spilka, as follows, to wit (yeas 36 – nays 1) [**Yeas and Nays No. 445**]:

YEAS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	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.
Fattman, Ryan C.	Ross, Richard J.
Feeney, Paul R.	Rush, Michael F.
Friedman, Cindy F.	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Hinds, Adam G.	Timilty, Walter F.
Humason, Donald F., Jr.	Tran, Dean A.
Jehlen, Patricia D.	Welch, James T. – 36.

NAYS.

Eldridge, James B. – 1.

ABSENT OR NOT VOTING.

Chang-Diaz, Sonia – 1.

The yeas and nays having been completed at twenty-three minutes past four o'clock P.M., the report was accepted, in concurrence.

Report of a Committee

By Ms. Spilka, for the committee on Ways and Means, that the House Bill relative to the municipal police training fund (House, No. 4516),-- ought to pass.

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

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at nine minutes before five o'clock P.M., on the motion of Mr. Cyr, as follows, to wit (36 yeas – 0 nays) [**Yeas and Nays No. 446**]:

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.
Collins, Nick	Lovely, Joan B.
Creem, Cynthia Stone	Montigny, Mark C.

Municipal police training fund.

UNCORRECTED PROOF.

Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.

Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 36.

NAYS – 0.

ANSWERED “PRESENT”.

O'Connor Ives, Kathleen (*present*) – 1.

ABSENT OR NOT VOTING.

Chang-Diaz, Sonia – 1.

The yeas and nays having been completed at four minutes before five o'clock P.M., the bill was passed to be engrossed, in concurrence.

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 Senate Bill relative to students with dyslexia (Senate, No. 2443),-- was read a second time.

Dyslexia.

After remarks, and pending the question on adoption of the Ways and Means amendment, Mr. Tarr moved that the proposed new draft be amended by inserting after section _ the following new section:-

"SECTION_. Notwithstanding any general or special law to the contrary the department of elementary and secondary education shall annually provide the number of students screened for that demonstrate 1 or more potential indicators of a neurological learning disability including, but not limited to, dyslexia.

Said report shall be submitted to the clerks of the house and senate and the joint committee on education by July 1 annually."

The amendment was *rejected*.

After remarks, the pending amendment, previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2607),-- was considered and it was adopted.

The bill (Senate, No. 2607) was then ordered to a third reading. The rules were suspended, on motion of Ms. L'Italien, and the bill was read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at seventeen minutes past five o'clock P.M., on motion of Ms. L'Italien, as follows, to wit (37 yeas – 0 nays) [**Yeas and Nays No. 447**]:

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Collins, Nick
Creem, Cynthia Stone

Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.

UNCORRECTED PROOF.

Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.

O'Connor, Patrick M.
O'Connor Ives, Kathleen
Pacheco, Marc R.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 37.

NAYS – 0.

ABSENT OR NOT VOTING.

Chang-Diaz, Sonia – 1.

The yeas and nays having been completed at twenty-four minutes past five o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill making appropriations for the fiscal year 2019 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4800), 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 11 to 0.

General
Appropriations.

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

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 relative to community benefit districts (House, No. 4546),-- was read a second time.

Community benefit
districts.

After remarks, and pending the question on ordering the bill to a third reading, Ms. Jehlen and Messrs. Eldridge and Fattman moved to amend the bill in section 1 by inserting, in line 28, after the word "signers", the following words:- "consist of 50 per cent of the property owners in the proposed district and"; and in section 4, by inserting, in line 170, after the word "by", the following words:- "50 per cent of the property owners in the proposed district and by".

1

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at thirteen minutes before six o'clock P.M., on motion of Ms. Jehlen, as follows, to wit (15 yeas – 22 nays) [**Yeas and Nays No. 448**]:

YEAS.

Creem, Cynthia Stone

Lovely, Joan B.

UNCORRECTED PROOF.

deMacedo, Viriato M.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Humason, Donald F., Jr.
Jehlen, Patricia D.

Montigny, Mark C.
Pacheco, Marc R.
Rodrigues, Michael J.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A. – 15.

NAYS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Collins, Nick
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
Gobi, Anne M.
Hinds, Adam G.

Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
L'Italien, Barbara A.
Moore, Michael O.
O'Connor, Patrick M.
O'Connor Ives, Kathleen
Ross, Richard J.
Rush, Michael F.
Spilka, Karen E.
Welch, James T. – 22.

ABSENT OR NOT VOTING.

Chang-Diaz, Sonia – 1.

The yeas and nays having been completed at eight minutes before six o'clock P.M., the amendment was *rejected*.

There being no objection, the matter was temporarily laid aside.

PAPER FROM THE HOUSE

The Senate Bill negating archaic statutes targeting young women (Senate, No. 2260),-- came from the House passed to be engrossed, in concurrence *with amendments*, striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4770; by striking out the emergency preamble and inserting in place thereof the following emergency preamble:"

Archaic language.

"*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to repeal and update statutes related to reproductive health, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health."; and by striking out the title and inserting in place thereof the following title: "An Act relative to reproductive health."

The rules were suspended, on motion of Ms. Jehlen, and the House amendment was considered forthwith and adopted, in concurrence.

Matter Taken Out of the Orders of the Day

The House Bill relative to community benefit districts (House, No. 4546),-- was further considered, the main question being on ordering the bill to a third reading.

Community benefit districts.

Ms. Jehlen and Messrs. Eldridge and Fattman moved that the bill be amended in section 5 by striking out, beginning in line 28, "51 per cent of the board members shall be participating property owners or their designees. The remaining members of the board may represent the community including residents, municipal government, business tenants and nonprofits" and inserting in place thereof the following words:- "33 per cent of the board members shall be participating property owners or their designees. Not less than 33 per cent of the board members shall be residents elected

2

by the residents of the district. Not less than 20% per cent of the board members shall be business tenants or their designees elected by the business tenants of the district. The remaining members of the board may represent the community including municipal government and nonprofits.”

After remarks, the amendment was *rejected*.

Ms. Jehlen and Messrs. Eldridge and Fattman moved that the bill be amended in section 1, by inserting in line 25, after the word “district.” the following sentences:- “A municipality may classify all small businesses, as defined by the municipality, as exempt property when approving the petition to establish a new community benefit district. A municipality may classify any businesses operating in the same location for more than 5 years as exempt property when approving the petition to establish a new community benefit district.”

3

After remarks, the amendment was *rejected*.

Ms. Jehlen and Messrs. Eldridge and Fattman moved that the bill be amended in section 10, by inserting the following new paragraph:-

4

“(c) A community benefit district may be dissolved by a majority vote of the municipal governing body. The municipal governing body shall be required to dissolve a community benefit district upon receipt of petition signed by 51% of the residents of a district. The municipal governing body shall be required to dissolve a community benefit district upon receipt of petition signed by 51% of property owners of a district.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-five minutes past six o'clock P.M., on motion of Ms. Jehlen, as follows, to wit (14 yeas – 23 nays) [**Yeas and Nays No. 449**]:

YEAS.

Creem, Cynthia Stone
deMacedo, Viriato M.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Friedman, Cindy F.
Humason, Donald F., Jr.

Jehlen, Patricia D.
L'Italien, Barbara A.
Lovely, Joan B.
O'Connor Ives, Kathleen
Pacheco, Marc R.
Rodrigues, Michael J.
Timilty, Walter F. – **14.**

NAYS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Collins, Nick
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
Gobi, Anne M.
Hinds, Adam G.
Keenan, John F.

Lesser, Eric P.
Lewis, Jason M.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Ross, Richard J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Tran, Dean A.
Welch, James T. – **23.**

ABSENT OR NOT VOTING.

Chang-Diaz, Sonia – **1.**

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

Mr. Eldridge moved that the bill be amended by inserting after the word “tax;” in line 22, the following words:- “any property whose owner has entered into an oral or written lease or rental agreement with a tenant;”.

The amendment was *rejected*.

Mr. Eldridge moved that the bill be amended by striking out, in lines 284, 129 and 130, the words “180 days”, and inserting in place thereof the following words:- “1 year”.

After remarks, the amendment was *rejected*.

Mr. Eldridge moved that the bill be amended by striking out lines 26 to 33 in their entirety, and inserting in place thereof the following:-

“‘Formation threshold’, the requirement that a new community benefit district may be established, a community benefit district may be renewed, or a community benefit district may have a change of boundaries, only if the petition signers represent more than 50 per cent of the tenants and property owners in the proposed community benefit district.”;

By striking out lines 40 to 46 in their entirety, and inserting in place thereof the following:-

“‘Participating tenant or property owner’, a property owner who is required to pay the community benefit district fee, a tenant that pays, in whole or in part, a community benefit district fee to a property owner and any exempt tenant or property owner who voluntarily enters into a binding written agreement to support the district activities by making a cash payment or providing in-kind services; provided that no tenant or property owners shall be deemed to be a participating tenant or property owner during the period said tenant or property owner has not timely paid such fee or made such voluntary contribution, or while such property owner has the benefit of a hardship waiver as contemplated in subsection (b) of section 6.”;

By inserting, in line 62, after the word “district.”, the following definition:-

“‘Tenant’, a person residing in the community benefit district who (i) has entered into an oral or written lease or rental agreement with the owner or (ii) remains on the premises after such person's tenancy has terminated or after the expiration of such person's lease.”;

By inserting in lines 19, 47, 208, 218, 234, and 274, after the word “participating”, the following words:- “tenant or”;

By inserting in line 83, after the word "of", the following words:- “tenants and”;

By striking out in line 86, the word "property owner", and inserting in place thereof the following words:- “tenants and property owners”;

By inserting in lines 92 and 183 after the word "participating", the following words:- “tenants or”;

By inserting in lines 188, 274, and 277, after the word “each”, the following words:- “tenant and”;

By inserting after the word “each”, in line 118, the following words:- “tenant or”;

By inserting after the word "circumstances.", in line 220, the following:- “If the corporation grants a financial hardship waiver to a participating tenant, the owner of the property where the tenant resides shall not charge the tenant any part of the property owner's community benefit district fee while the waiver is in effect.”;

By inserting after the word “assessment.” in line 229, the following words:-

“The management plan shall prohibit participating property owners from passing more than 50 per cent of their community benefit district fee on to participating tenants.”;

By striking out, in lines 286 and 287, the words “owners of property within the

UNCORRECTED PROOF.

existing district and any property owners” and inserting in place thereof the following:- “tenants and owners of property within the existing district and any tenants or property owners”;

By striking out lines 289 to 302 in their entirety and inserting in place thereof the following:-

“Section 10. (a) A community benefit district may be dissolved by a majority vote by the corporation’s board of directors, ratified by 2/3 of the participating tenants and property owners; provided further, that the community benefit district shall not be dissolved until the corporation has satisfied or paid in full its outstanding indebtedness, obligations and liabilities, until funds are on deposit and available therefore, or until a repayment schedule has been formulated and approved by the municipal governing body. Upon a vote for dissolution, the community benefit district corporation shall not incur any new or increased financial obligations. Any liabilities, either current or future, incurred as a result of action to accomplish the purposes of the management plan shall not be an obligation of the municipality. Liabilities shall be paid for entirely from revenue gained from the project or facilities authorized or from the fees on the properties in the community benefit district.”; and

By inserting, in line 307, after the word “dissolved.”, the following words:-

“A participating property owner that has received community benefit district fees from tenants and receives revenues pursuant to this section shall reimburse each tenant with revenues proportionate to the fee amount paid to the owner by the tenant.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty minutes before seven o'clock P.M., on motion of Mr. Eldridge, as follows, to wit (10 yeas – 27 nays) [**Yeas and Nays No. 450**]:

YEAS.

Creem, Cynthia Stone
Eldridge, James B.
Feeney, Paul R.
Jehlen, Patricia D.
L'Italien, Barbara A.

O'Connor Ives, Kathleen
Pacheco, Marc R.
Rodrigues, Michael J.
Rush, Michael F.
Tran, Dean A. – **10.**

NAYS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Collins, Nick
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Fattman, Ryan C.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.

Humason, Donald F., Jr.
Keenan, John F.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Ross, Richard J.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Welch, James T. – **27.**

ABSENT OR NOT VOTING.

Chang-Diaz, Sonia – **1.**

The yeas and nays having been completed seventeen minutes before seven

UNCORRECTED PROOF.

o'clock P.M., the amendment was *rejected*.

The bill was then ordered to a third reading. The rules were suspended, on motion of Mr. Crighton, and the bill was read a third time.

After debate, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at six minutes before seven o'clock P.M., on motion of Ms. Jehlen, as follows, to wit (22 yeas – 15 nays) [**Yeas and Nays No. 451**]:

YEAS.

- | | |
|--------------------------|------------------------------|
| Barrett, Michael J. | Keenan, John F. |
| Boncore, Joseph A. | Lesser, Eric P. |
| Brady, Michael D. | Lewis, Jason M. |
| Brownsberger, William N. | Montigny, Mark C. |
| Chandler, Harriette L. | Moore, Michael O. |
| Collins, Nick | O'Connor Ives, Kathleen |
| Crighton, Brendan P. | Pacheco, Marc R. |
| Cyr, Julian | Rush, Michael F. |
| DiDomenico, Sal N. | Spilka, Karen E. |
| Gobi, Anne M. | Timilty, Walter F. |
| Hinds, Adam G. | Welch, James T. – 22. |

NAYS.

- | | |
|-------------------------|----------------------------|
| Creem, Cynthia Stone | L'Italien, Barbara A. |
| deMacedo, Viriato M. | Lovely, Joan B. |
| Eldridge, James B. | O'Connor, Patrick M. |
| Fattman, Ryan C. | Rodrigues, Michael J. |
| Feeney, Paul R. | Ross, Richard J. |
| Friedman, Cindy F. | Tarr, Bruce E. |
| Humason, Donald F., Jr. | Tran, Dean A. – 15. |
| Jehlen, Patricia D. | |

ABSENT OR NOT VOTING.

- Chang-Diaz, Sonia – **1.**

The yeas and nays having been completed at four minutes before seven o'clock P.M., the bill was passed to be engrossed, in concurrence.

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (both of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Governor for his approbation, to wit:

Relative to the municipal police training fund (see House, No. 4516); and

Making appropriations for the fiscal year 2019 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4800).

Bills laid before the Governor.

The House Bill protecting youth from the health risks of tobacco and nicotine addiction (House, No. 4486, amended),-- came from the House with the endorsement that the House had concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered

Nicotine addiction.

2585) with a further amendment striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the text contained in House document numbered 4784.

There being no objection, the rules were suspended, on motion of Mr. Lewis, and the House amendment was considered forthwith.

After remarks, the question on adoption of the further House amendment was determined by a call of the yeas and nays, at twenty-one minutes past seven o'clock P.M., on motion of Mr. Lewis, as follows, to wit (yeas 32 – nays 3) [Yeas and Nays No. 453]:

YEAS.

- | | |
|--------------------------|-------------------------|
| Barrett, Michael J. | Keenan, John F. |
| Boncore, Joseph A. | Lesser, Eric P. |
| Brady, Michael D. | Lewis, Jason M. |
| Brownsberger, William N. | Lovely, Joan B. |
| Chandler, Harriette L. | Montigny, Mark C. |
| Collins, Nick | Moore, Michael O. |
| Creem, Cynthia Stone | O'Connor, Patrick M. |
| Crighton, Brendan P. | O'Connor Ives, Kathleen |
| Cyr, Julian | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rodrigues, Michael J. |
| Eldridge, James B. | Ross, Richard J. |
| Feeney, Paul R. | Rush, Michael F. |
| Friedman, Cindy F. | Spilka, Karen E. |
| Gobi, Anne M. | Tarr, Bruce E. |
| Hinds, Adam G. | Timilty, Walter F. |
| Jehlen, Patricia D. | Welch, James T. – 32. |

NAYS.

- | | |
|-------------------------|--------------------|
| Fattman, Ryan C. | Tran, Dean A. – 3. |
| Humason, Donald F., Jr. | |

ANSWERED "PRESENT".

- | |
|-------------------------------------|
| deMacedo, Viriato M. (present) – 1. |
|-------------------------------------|

ABSENT OR NOT VOTING.

- | | |
|-------------------|----------------------------|
| Chang-Diaz, Sonia | L'Italien, Barbara A. – 2. |
|-------------------|----------------------------|

The yeas and nays having been completed at twenty-four minutes past seven o'clock P.M., the further House amendment was adopted, in concurrence.

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 authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land to the Salem Redevelopment Authority (House, No. 4635),-- was read a third time and passed to be engrossed, in concurrence.

Salem,-- land conveyance.

The Senate Bill to establish a registry of caretakers found to have substantiated abuse against persons with intellectual disability or developmental disability (Senate, No. 2213),-- was read a second time.

Caretakers,-- abuse registry.

After remarks, and pending the question on adoption of the amendment, previously recommended by the committee on Ways and Means, substituting a new

3

draft with the same title (Senate, No. 2606), and pending the main question on ordering the bill to a third reading, Mr. Moore moved that the proposed new draft be amended in section 2 by striking, in line 32, the words "a hearing before the commission" and inserting in place thereof the following words:- "an opportunity to respond in writing"; and

In said section 2, by striking, in lines 48 to 50, inclusive, the words "(ii) revoke or downgrade a license maintained by the employer; (iii) require forfeiture of a state contract; or (iv) impose a combination of such fine, license revocation or downgrade or state contract forfeiture" and inserting in place thereof the following words:- "(ii) recommend the revocation or downgrade of a license maintained by the employer; (iii) recommend the forfeiture of a state contract; or (iv) impose a combination of such fine, recommendation of license revocation or downgrade or recommendation of state contract forfeiture".

After remarks, the amendment was adopted.

Mr. Tarr moved that the proposed new draft be amended by inserting after section __ the following:-

4

"SECTION: Notwithstanding any general or special law to the contrary any private caretaker contracted by the commonwealth shall have to meet the standards as established under 115 CMR."

The amendment was *rejected*.

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

The bill (Senate, No. 2606, amended) was then ordered to a third reading and, after remarks, was read a third time.

After further remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty minutes before eight o'clock P.M., on motion of Mr. Moore, as follows, to wit (yeas 36 – nays 0) [**Yeas and Nays No. 454**]:

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. | 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. – 36. |

NAYS – 0.

ABSENT OR NOT VOTING.

- | | |
|-------------------|-----------------------------------|
| Chang-Diaz, Sonia | L'Italien, Barbara A. – 2. |
|-------------------|-----------------------------------|

The yeas and nays having been completed at seventeen minutes before eight o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill establishing the Massachusetts Code of Military Justice (printed in Senate, No. 2236),-- was read a second time.

National Guard,--
code of military
justice.

Pending the question on adoption of the amendment, previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2611), and pending the main question on ordering the bill to a third reading, Mr. Lesser moved that the proposed new draft be amended by inserting after section 57 the following section:-

1

“SECTION 57A. Said chapter 33 is hereby further amended by striking out section 88B and inserting in place thereof the following section:-

Section 88B. The commonwealth shall reimburse a servicemember's monthly premium in the Serviceman's Group Life Insurance Program administered by the Veterans Administration or an equivalent group life insurance program of the servicemember's choosing; provided, however, that such reimbursement shall not exceed 50 per cent of the monthly premium cost of Serviceman's Group Life Insurance. The reimbursement may be paid directly to the service member or paid as a premium payment directly to an equivalent group life insurance program of the service member's choosing for the purchase of supplemental life insurance. The Massachusetts National Guard State Sponsored Life Insurance Program is recognized as an equivalent group life insurance program.”

The amendment was adopted.

Ms. Spilka moved that the proposed new draft be amended in section 43, by striking out, in line 127, the words "in active" and inserting in place thereof the following word:- "inactive".

2

The amendment was adopted.

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

The bill (Senate, No. 2611, amended) was then ordered to a third reading. The rules were suspended, on motion of Mr. Moore, and, the bill was read a third time and, after remarks, passed to be engrossed.

Sent to the House for concurrence.

Report of a Committee

Mr. Montigny, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill making technical changes to the laws regulating a certain notarial act (Senate, No. 2312) (the committee on Rules having recommended that the bill be amended by substituting a new draft with the same title, Senate, No. 2615).

Notarial act.

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

The bill (Senate, No. 2615) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

Order Adopted.

On motion of Mr. Collins,--

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

Time of meeting.

Moment of Silence.

At the request of the President, the members, guests and staff stood in a moment of silence and reflection to the memory of Donald Ashe.

Moment of silence.

Adjourn In Memory of Donald Ashe

The Senator from First Hampden and Hampshire, Mr. Lesser, the Senator from Second Hampden and Hampshire, Mr. Humason, the Senator from Berkshire, Hampshire, Franklin and Hampden, Mr. Hinds, the Senator from Hampden, Mr. Welch and the Senator from Worcester, Hampden, Hampshire and Middlesex, Ms. Gobi, moved that when the Senate adjourns today it do so in memory of Donald Ashe who passed away on July 10, 2018 at the age of 83.

Mr. Lesser in the Chair, Mr. Ashe served as Hampden County Registrar of Deeds for over 35 years, first elected in 1982.

Mr. Ashe was born and raised in the Hungry Hill section of Springfield. He was a proud graduate of Springfield's Cathedral High School,

Don, as he was known to his friends and family, was a pioneer in his field, leading the Hampden County Registry of Deeds to become the number one ranked registry in the Commonwealth.

Under his tenure, Hampden County became the first registry in New England to electronically record a document, and he brought the registry into the 21st century by using cutting-edge technologies.

Mr. Ashe was a licensed real estate broker, a Notary Public, Justice of the Peace, Commissioner to Qualify, and an Assistant Recorder for the Massachusetts Land Court.

Mr. Ashe served as Chairman of the Board of Directors for the Clinton Nursery School and Kindergarten, as president of the Hampden County Register of Deeds Association, and the former Hampden County Democratic Committee.

Mr. Ashe was proud of his Irish heritage, and held dual Irish citizenship. He was a member of the Holyoke Parade Committee, the Cape Cod Sons of Erin, a life member of the John Boyle O'Reilly Club, and was a Past Grand Marshal of the Springfield Parade Committee.

His annual party at Springfield's John Boyle O'Reilly club kicked off the St. Patrick's season.

Mr. Ashe also held a life membership in the Springfield Lodge of Elks #61.

In addition, he was an instructor for the Hampden County Deputy Sheriff's Training Program.

Before becoming Register of Deeds, Mr. Ashe was Director of Relocation Services for the Springfield Redevelopment Authority and was a former Disaster Shelter Manager for the City of Springfield.

Mr. Ashe had participated in the Jewish Community Center's Ms. Senior Massachusetts Pageant as Master of Ceremonies.

Mr. Ashe enjoyed visits to Cape Cod with his family, piloting his Boston

UNCORRECTED PROOF.

Whaler, attending live theater and concerts, dining out at favorite restaurants, observing and interpreting human nature, keeping a secret at all cost, and sharing his iconic sense of humor with all he met.

He considered the staff at the Hampden County Registry his second family and held all in his employ in the highest regard.

Mr. Ashe will be profoundly missed by his wife, Margaret and his five sons Donald Jr, Steve, Mark, Greg and Brian who represents the 2nd Hampden District in the Massachusetts House of Representatives.

A devoted grandfather, Don also leaves his grandchildren Meaghan, Brianna, Nick, Tiernan, and Kyra.

Mr. Ashe was an elder statesman in Hampden County and a dutiful public servant.

On behalf of the People of Hampden County we offer our sincere thanks for his service and humbly honor his legacy by adjourning this body in his honor.

The President in the Chair, accordingly, as a mark of respect in memory of Donald Ashe, at five minutes before eight o'clock P.M., on motion of Mr. Lesser, the Senate adjourned to meet again tomorrow at eleven o'clock A.M.