

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



WEDNESDAY, JUNE 20, 2018

[61]

JOURNAL OF THE SENATE.

Wednesday, June 20, 2018.

Met at fourteen minutes past one o'clock P.M. (Mr. Rodrigues in the Chair).

Communications.

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

Communication from the Department of Public Utilities (pursuant to Section 1G(g) of Chapter 164 of the General Laws) submitting its 2017 annual report concerning self-generation (June 19, 2018); and

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

Franklin County Jail and House of Correction
Plymouth County Correctional Facility
MCI Cedar Junction
Essex County Correctional Facility
Souza-Baranowski Correctional Center
Hampshire County Jail and House of Correction
MCI Norfolk (received June 19, 2018).

DPU, -- 2017 self-generation annual report.
SD2692
DPH, plan of corrections.
SD2693

Report.

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:

MCI Shirley
Western MA Women's Correctional Center
Western MA recovery and Wellness Center (received June 19, 2018),-- **was placed on file.**

DPH,-- facility inspections.
SD2694

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 Health Care Financing to make an investigation and study of certain current Senate documents relative to financing and delivery of health care (Senate, No. 2535);

Of the Senate Order relative to authorizing the joint committee on Public Service to make an investigation and study of certain current Senate documents relative to public service issues (Senate, No. 2536);

Of the Senate Order relative to authorizing the joint committee on Transportation to make an investigation and study of a certain current Senate document relative to mental health reporting requirements (Senate, No. 2537);

Of the Senate Order relative to authorizing the joint committee on Public Service to make an investigation and study of certain current Senate documents relative to public service matters (Senate, No. 2538);

Of the Senate Order relative to authorizing the joint committee on Health Care

Health Care Financing committee,-- study.

Public Service committee,-- study.

Transportation committee,-- study.

Public Service committee,-- study.

Health Care

Financing to make an investigation and study of certain current Senate documents relative to financing and delivery of elder care services (Senate, No. 2551); and

Financing
committee,-- study.

Of the Senate Order relative to authorizing the joint committee on Consumer Protection and Professional Licensure to make an investigation and study of certain current Senate documents relative to consumer protection issues (Senate, No. 2552);

Consumer Protection
and Professional
Licensure
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.

PAPERS FROM THE HOUSE.

A Bill promoting climate change adaptation, environmental and natural resource protection, and investment in recreational assets and opportunity (House, No. 4613,-- on Senate, No. 2379 and House, Nos. 4266, 4318 and 4321),-- **was read and, under Senate Rule 26C, referred to the committee on Bonding, Capital Expenditures and State Assets.**

Climate change.

A Bill authorizing the city known as the town of Amherst to hold a special election on November 2, 2018 (House, No. 4482,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Amherst,-- elections.

Notice was received from the House of Representatives announcing the following appointments by the Speaker:

Representative Haddad of Somerset and Representative Tyler of Boston to the special commission established (under Section 5 of Chapter 177 of the Acts of 2016) to investigate, analyze and study the factors, causes and impact of pay disparity based on race, color, religious creed, national origin, gender identity, sexual orientation, genetic information as defined in section 1 of chapter 151B, ancestry, disability, and military status.

Pay disparity,--
commission.

There being no objection, at a quarter past one o'clock P.M., the Chair (Mr. Rodrigues) declared a recess subject to the call of the Chair; and, at ten minutes before three o'clock P.M., the Senate reassembled, Mr. Rodrigues in the Chair.

Recess.

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

Pledge of allegiance.

Report of a Committee.

By Mr. Feeney, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Elizabeth Fontaine, an employee of the Department of Children and Families (Senate, No. 2560).

Elizabeth Fontaine,--
sick leave.

The bill was read. There being no objection, the rules were suspended, on motion of Mr. Keenan, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Ms. Chandler moved that the bill be amended by inserting before the enacting clause the following emergency preamble:-

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of children and families, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public

convenience.”

The amendment was adopted.

The bill (Senate, No. 2560, amended) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

Resolutions.

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

Resolutions (filed by Ms. Lovely) “congratulating Dr. Herbert W. Levine on his retirement”.

Dr. Herbert W. Levine.

Communication.

The Clerk read the following communication:

The Commonwealth of Massachusetts
MASSACHUSETTS SENATE

June 20, 2018

Senator John F. Keenan,—absence from Chamber.

Mr. William F. Welch
Clerk of the Senate
State House, Room 335

Dear Mr. Clerk:

On Thursday, June 14, 2018, I was absent from the Senate Chamber due to my previously scheduled travel for an academic and international relations program outside of Massachusetts. Because of this program, I was unable to be present for the roll call votes listed below. Had I been present, I would have voted as follows:

#417, on Amendment #12 (Zero Emission Vehicles) to S.2545:	Nay
#418, on Amendment #13 (Offshore Wind Energy) to S.2545:	Yea
#419, on Amendment #41 (Solar Credits for Public Housing) to S.2545:	Yea
#420, on Amendment #5 (Unaccounted for Gas) to S.2545:	Yea
#421, on Amendment #42.1 (Offshore Wind) to S.2545:	Yea
#422, on Amendment #55 (Cost of Compliance) to S.2545:	Yea
#423, on Amendment #43 (Fair Access to Solar) to S.2545:	Yea
#424, on Amendment #44 (GWSA Implementation) to S.2545:	Yea
#425, on passing S.2545 (Clean Energy) to be engrossed:	Yea

I respectfully request that this letter be printed in the Senate Journal as part of the official record. Thank you for your assistance in this matter.

Sincerely,
JOHN F. KEENAN
Norfolk and Plymouth

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

Ordered printed.

PAPERS FROM THE HOUSE.

A Bill establishing a sick leave bank for Robert F. Dunphy Jr., an employee of the Executive Office of the Trial Court (House, No. 4583,-- on petition),-- was read.

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

There being no objection, the rules were suspended, on motion of Mr. Hinds, 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. 4646) of David K. Muradian, Jr., and Michael O. Moore that James J. Malloy be authorized to buy back creditable service time from the Worcester Regional Retirement System;

James J. Malloy,-- creditable service.

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

Petition (accompanied by bill, House, No. 4647) of David K. Muradian, Jr, for legislation to promote adoption of certain dogs or cats from animal shelters by establishing tax credits for certain costs associated with said adoptions and by the creation of a motor vehicle registration plate;

Animal shelters,-- tax credits.

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

The President in the Chair, at two minutes before three o'clock P.M, Mr. Tran 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 three o'clock P.M., a quorum was declared present.

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Adding a fifth member to the Board of Elections Commission in the City of Everett (Senate, No. 2515);

Second reading bills.

Authorizing the town of Norfolk to convey certain land on Priscilla Avenue (House, No. 4148); and

Relative to certain affordable housing in the Jamaica Plain section of the city of Boston (House, No. 4238)

Were severally read a second time and ordered to a third reading.

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

PAPER FROM THE HOUSE

A Bill relative to minimum wage, paid family medical leave and the sales tax holiday (House, No. 4640, amended,-- on Senate, No. 1004, House, No. 1042, 1544, 1595, 2172 and 2365),-- was read.

Grand bargaining.

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

During consideration, Mr. Pacheco raised a point of parliamentary inquiry on the question of dividing of the bill.

Point of parliamentary inquiry.

The President stated the following:

Ruling of the Chair.

Where there is no rule giving members the right to vote separately on each proposition, a member still has the right to a motion to divide a question when it

contains two or more distinct propositions. However, when a measure includes several distinct propositions but is so written that they cannot be separated without it being rewritten, the measure cannot simply be ordered divided. An order to divide a question must not require the clerk to do more than to mechanically separate the measure into the required parts.

Therefore, in this instance the measure cannot be divided.

On motion of Mr. Tarr, under the provisions of Senate Rule 6, the above ruling was printed in the Journal of the Senate.

Ordered printed.

Recess.

At a twenty-eight minutes past four o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess subject to the call of the Chair; and, at a half past five o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

PAPER FROM THE HOUSE

The House Bill relative to minimum wage, paid family medical leave and the sales tax holiday (House, No. 4640, amended),-- was further considered, the main question being on ordering the bill to a third reading.

Grand bargaining.

Pending the question on ordering the bill to a third reading, Ms. Jehlen moved that the proposed new draft be amended by striking out section 4.

After remarks, the amendment was *rejected*.

The bill was then ordered to a third reading and 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 nine minutes past six o'clock P.M. on the motion of Mr. Lewis as follows, to wit (yeas 30 – nays 8) **[Yeas and Nays No. 426]:**

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
deMacedo, Viriato M.
DiDomenico, Sal N.
Eldridge, James B.
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.
Moore, Michael O.
O'Connor, Patrick M.
Rodrigues, Michael J.
Ross, Richard J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – **30.**

NAYS.

Brady, Michael D.
Collins, Nick
Fattman, Ryan C.
Feeney, Paul R.

Humason, Donald F., Jr.
Montigny, Mark C.
O'Connor Ives, Kathleen
Pacheco, Marc R. – **8.**

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

Remarks of Senator Julian Cyr.

Madame President, I rise today in support of this letter that I have filed to be printed in the journal. I am proud to be a member of this body and to have so many of my colleagues on both sides of the aisle who have joined with me in support.

In this letter we the members of the Massachusetts State Senate denounce the immoral policy of separating children from their parents when they seek asylum at the United States border with Mexico. We believe this policy is toxic to our reputation as a nation and, most importantly, traumatic and damaging to the families it impacts. This policy has already separated over 2,300 children from their families; the federal government has an affirmative duty to reunite every family that was separated by this policy.

Public knowledge of this new un-American practice by the Trump administration has created outrage and deep sorrow across our country – as we’ve heard and seen in the halls of the State House today.

In a time when politics regarding immigration policy has become more divisive than ever, response to these actions has united Republicans, Democrats, independents, and Americans of every ilk – all calling for the common sense and humanitarian practice to keep families united.

In recent days we have watched closely as Secretary Nielsen, Attorney General Sessions, and others in the Trump administration have sought to explain and give context for this reprehensible practice. It is clear based on these contradictory explanations that this policy, at best, is ill-advised and is being poorly implemented.

The significant challenges facing our nation when “unaccompanied minors” arrive at the United States border and are detained are not new.

In Massachusetts, we gained firsthand experience with some of these issues in 2014 when the Commonwealth (and other states across the nation) offered to temporarily house such minor children in secure facilities in our state while they were processed by federal immigration officials.

Due to the significant increase in “unaccompanied minors” crossing the border with Mexico without their parents or other adults at that time, Massachusetts took action to alleviate federal holding facilities in border states over capacity.

In this case though, this policy is creating a significant and costly humanitarian crisis for thousands of children by the administration’s own choosing. The policy – hatched by the Trump Administration, piloted in El Paso by the Trump Administration, and then rolled out by the Trump administration – this policy that separates children from the custody of their parents created this crisis.

As we understand it, this current crisis stems from a policy decision that Attorney General Sessions made in recent months to begin a “zero tolerance” policy of criminally prosecuting every adult illegally crossing the border into the United States.

In such cases in recent months, children have not been allowed to be held with their parents who have been arrested and charged with a federal crime, creating this current nightmare. This change in practice and policy was forecasted by members of the Trump administration, including by current Chief of Staff John Kelly on March 6, 2017 when he told CNN he was considering implementing, then as Secretary of the Department of Homeland Security, such a practice to deter illegal border crossings.

It has been reported that nearly seventy separations of children from their parents are occurring per day, an unacceptable and frightening figure.

As U.S. Senator Lindsey Graham reminded us in recent days, “President Trump could stop this policy with a phone call.” We are relieved you finally did.

Yet clearly, this new practice has created chaos and needed to be revoked immediately. Every day that this policy was in place, we created another generation of children who will face severe challenges in the future due to the trauma they experience at the hands of our federal government.

We are so fortunate in Massachusetts to have bipartisan consensus that rejects this policy. Governor Charlie Baker has referred to this policy as “inhumane treatment of children” and our senior Senator Elizabeth Warren has labeled it an “outrage visited on the American people”. Among the many other voices that have spoken out across the Commonwealth of Massachusetts in recent days. They remind us that when the United States has turned our back on children in peril, it has remained a stain on our nation’s promise and spirit. This isn’t the first time our nation has separated families — during westward expansion, native children were forcibly separated from their parents and families and sent to live in government run reservations; our nation regrettably turned away Jewish children who fled the Holocaust. These colonial and abhorrent practices have no place in the 21st Century.

In this letter we ask President Trump to take swift and decisive action to reunite every family that was separated by this inhumane and un-American policy.

We also implore him to support pending legislation that would ameliorate the current circumstance through Congressional action to make sure this never happens again.

Again I want to thank my colleagues from both sides of the aisle who worked quickly to get our body on record to denounce this policy. The gentlelady from Newburyport, the gentleman from Weymouth, the gentleman from Acton, my colleagues in the progressive caucus, the Minority Leader, our chair of Ways and Means the gentlelady from Ashland, and especially to you Madame President – who time after time never hesitates to call out injustice. Under Senate Rule 6, I move that this letter be printed in the journal of the Senate.

The question on printing the above remarks in the Journal of the Senate, was determined by a call of the yeas and nays, at twenty minutes past six o'clock P.M. on the motion of Mr. O'Connor, as follows, to wit (yeas 38 – nays 0) **[Yeas and Nays No. 427]:**

Ordered printed.

YEAS.

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

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.
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.

Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.

Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 38.

NAYS – 0.

The yeas and nays having been completed at twenty-two minutes past six o'clock P.M., the statement was ordered printed in the Journal of the Senate.

PAPERS FROM THE HOUSE.

The Senate Bill relative to veterans' benefits, rights, appreciation, validation and enforcement (Senate, No. 2509),-- came from the House passed to be engrossed, in concurrence, *with an amendment* striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4540.

Veterans' benefits.

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

Senators Rush, Brownsberger and Humason were appointed to the committee on the part of the Senate.

The bill was returned to the House to be joined.

Engrossed Bill.

An engrossed Bill relative to minimum wage, paid family medical leave and the sales tax holiday (see House, No. 4640, 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 President.**

Bill enacted.

Recess.

On motion of Mr. Tarr, at five minutes before eight o'clock P.M., the Senate stood in recess until tomorrow at eleven o'clock A.M.

Recess.

Thursday, June 21, 2018
[being the legislative session of Wednesday, June 20, 2018.]

Met at two 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 President handed the gavel to Mr. DiDomenico for the purpose of an introduction. Mr. DiDomenico then introduced, in the rear of the Chamber, the 5th grade class from the Warren Prescott School in Charlestown. The students were on a field trip to the State House learning about the different aspects of state government. They were led by Principal Michele Davis and teachers and chaperones. The Senate welcomed them with applause and they withdrew from the Chamber. They were also guests of Representative Ryan of Boston.

Warren Prescott School,-- 5th grade class.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4642) of F. Jay Barrows and Paul R. Feeney (by vote of the town) that the town of Foxborough be authorized to grant one additional license for the sale of all alcoholic beverages not to be drunk on the premises in said town; and

Foxborough,-- liquor license.

Petition (accompanied by bill, House, No. 4643) of Sarah K. Peake and Julian Cyr (by vote of the town) that the town of Orleans be exempt from certain provisions of the state plumbing code at all municipal seasonal beach facilities in said town;

Orleans,-- plumbing code.

Severally, to the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4644) of Dylan Fernandes and Julian Cyr (by vote of the town) that the town of Nantucket be authorized to repeal the act establishing the Nantucket Mosquito Control Project;

Nantucket Mosquito Control Project.

To the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 4645) of Sarah K. Peake and Julian Cyr (by vote of the town) that the town of Orleans be authorized to establish an affordable housing trust fund;

Orleans,-- affordable housing.

To the committee on Municipalities and Regional Government.

Resolutions.

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

Resolutions (filed by Ms. Chandler) "congratulating Kim J. Wright, Esq. on the occasion of her retirement"; and

Kim J. Wright, Esq.

Resolutions (filed by Mr. Brownsberger, Ms. Creem, Messrs. DiDomenico and Barrett, Ms. Jehlen, Ms. Lovely and Messrs. Eldridge, Moore and Tarr) "congratulating Attorney Leslie Walker on the occasion of her retirement."

Attorney Leslie Walker.

Recess.

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

Recess.

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

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered as follows:

The House Bill relative to the membership of the Millbury Redevelopment Authority (House, No. 1101),-- **was read a third time and passed to be engrossed, in concurrence.**

Millbury
Redevelopment
Authority.

The House Bill exempting certain affordable housing in the South End section of the city of Boston from certain procurement and contracting requirements (House, No. 3540) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

Boston,--
procurement.

The Senate Bill authorizing the city of Westfield to categorize all certain private ways a public street (Senate, No. 2241),-- **was read a third time and passed to be engrossed.**

Westfield,-- private
ways.

Sent to the House for concurrence.

The House Bill authorizing the city known as the town of Amherst to hold a special election for the office of town counsel (House, No. 4482) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

Amherst,-- special
election.

PAPER FROM THE HOUSE.

A Bill establishing the Honorable Peter V. Kocot Act to enhance access to high quality, affordable and transparent healthcare in the Commonwealth (House, No. 4639,-- on House, Nos. 591, 596, 597, 601, 608, 610, 615, 617, 619, 620, 1218, 2074, 2215, 2217, 2219, 2434, 2459, 2460, 2480, 2983, 2985, 2986, 2987, 2988, 2990, 3223, 3241, 3248, 3582, 3829, 4332, 4333, 4355, 4362 and 4493),-- was read.

Health Care.

There being no objection, the rules were suspended, on motion of Mr. Welch, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, the same Senator moved that the proposed new draft be amended by striking out all after the acting clause and inserting in place thereof the text contained in Senate document numbered 2573.

After remarks, the amendment was adopted.

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

After further remarks, the question on passing the bill to be engrossed, in concurrence with the amendment, was determined by a standing vote, on motion of Mr. Tarr, and it was engrossed by a vote of 14 to 5.

Sent to the House for concurrence in the amendment.

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 Senate Bill to prevent wage theft and promote employer accountability (Senate, No. 2327),-- was read a second time.

Wage theft.

After remarks, and 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. 2546), and pending the main question on ordering the bill to a third reading, Messrs. Tarr and Ross moved that the proposed new draft be amended by inserting after section __ the following sections:-

2

“SECTION __. Section 27 of chapter 149 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the said violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any employee so aggrieved and who prevails in such an action shall, if said violation be willful, be awarded treble damages, as liquidated damages, for any loss of wages and other benefits; and the employee shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, further, that any employee so aggrieved and who prevails in such an action if said violation is not willful, shall be awarded damages as determined by the court for any loss of wages and other benefits; and the employee may also be awarded the costs of the litigation and reasonable attorneys' fees.

SECTION __. Section 27C of said chapter 149, as so appearing, is hereby amended by inserting at the end thereof the following:- Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the said violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any employee so aggrieved and who prevails in such an action shall, if said violation be willful, be awarded treble damages, as liquidated damages, for any loss of wages and other benefits; and the employee shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, further, that any employee so aggrieved and who prevails in such an action if said violation is not willful, shall be awarded damages as determined by the court for any loss of wages and other benefits; and the employee may also be awarded the costs of the litigation and reasonable attorneys' fees.

SECTION __. Section 27F of said chapter 149, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the said

violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any employee so aggrieved and who prevails in such an action shall, if said violation be willful, be awarded treble damages, as liquidated damages, for any loss of wages and other benefits; and the employee shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, further, that any employee so aggrieved and who prevails in such an action if said violation is not willful, shall be awarded damages as determined by the court for any loss of wages and other benefits; and the employee may also be awarded the costs of the litigation and reasonable attorneys' fees.

SECTION __. Section 27G of said chapter 149, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the said violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any employee so aggrieved and who prevails in such an action shall, if said violation be willful, be awarded treble damages, as liquidated damages, for any loss of wages and other benefits; and the employee shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, further, that any employee so aggrieved and who prevails in such an action, if said violation is not willful, shall be awarded damages as determined by the court for any loss of wages and other benefits; and the employee may also be awarded the costs of the litigation and reasonable attorneys' fees.

SECTION __. Section 27H of said chapter 149, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph: -

Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the said violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any employee so aggrieved and who prevails in such an action shall, if said violation be willful, be awarded treble damages, as liquidated damages, for any loss of wages and other benefits; and the employee shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, further, that any employee so aggrieved and who prevails in such an action, if said violation is not willful, shall be awarded damages as determined by the court for any loss of wages and other benefits; and the employee may also be awarded the costs of the litigation and reasonable attorneys' fees.

SECTION __. Section 150 of said chapter 149, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph: -

Any employee claiming to be aggrieved by a violation of sections 33E, 148, 148A, 148B, 150C, 152, 152A or 159C or section 19 of chapter 151 may, at the expiration of 90 days after the filing of a complaint with the attorney general, or

sooner if the attorney general assents in writing, and within 3 years after the said violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any employee so aggrieved and who prevails in such an action shall, if said violation be willful, be awarded treble damages, as liquidated damages, for any loss of wages and other benefits; and the employee shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, further, that any employee so aggrieved and who prevails in such an action, if said violation is not willful, shall be awarded damages as determined by the court for any loss of wages and other benefits; and the employee may also be awarded the costs of the litigation and reasonable attorneys' fees.""; and

By striking in lines 19-21 the following:-"the employee or employees on whose behalf the attorney general brought the civil action shall be awarded treble damages, as liquidated damages, for any lost wages and other benefits, and".

After remarks, the amendment was *rejected*.

Messrs. Tarr and Ross moved that the proposed new draft be amended by inserting after section _ the following section:-

3

"SECTION _. There shall be an independent contractor task force to study and make recommendations on independent contractor status in the commonwealth. The task force shall consist of the following members or their designees: the secretary of housing and economic development; the secretary of labor and workforce development; the attorney general; the house chair of the joint committee on labor and workforce development who shall serve as co-chair of the task force; 1 person to be appointed by the speaker of the house of representatives; 1 person to be appointed by the minority leader of the house of representatives; the senate chair of the joint committee on labor and workforce development who shall serve as co-chair of the task force; 1 person to be appointed by the senate president; 1 person to be appointed by the minority leader of the senate; and 6 persons to be appointed by the governor, 1 of whom shall be an economist experienced in labor and workforce development; 1 of whom shall be an attorney experienced in labor and workforce development; 2 of whom shall be representatives from labor unions selected from a list of 3 nominees from the Massachusetts Building Trades Council and 2 of whom shall be representatives from business associations.

The task force shall study and make recommendations on independent contractor status in the commonwealth and shall examine the practices of neighboring states and other relevant jurisdictions. The task force shall provide an analysis of: (i) individuals who are required to be classified as employees who should be, or wish to be, classified as independent contractors; (ii) individuals misclassified as independent contractors who should be classified as employees; (iii) uncertainty of independent contractor or employee status due to the burgeoning shared and on-demand economy in the commonwealth (iv) the economic impact of an employee or independent contractor designation on an individual and on the employer or party relying on the services of an independent contractor or employee; and (v) models of employee classification in other jurisdictions including, but not limited to, a dependent contractor designation.

The task force shall convene its first meeting not later than 90 days after the effective date of this act and shall submit a report, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the senate and house of representatives, the joint committee on labor and workforce development and the house and senate committees on ways and means

not later than December 31, 2019.”

The amendment was *rejected*.

Messrs. Tarr and Ross moved that the proposed new draft be amended in section 4 by adding the following section:- 4

(e) “If the court dismisses an action brought pursuant to this section, then the court may award to an employer or any other defendant reasonable attorneys’ fees and costs. If the court makes a finding that any action brought pursuant to this section was frivolous, an employer or any other defendant shall be entitled to an additional reasonable attorneys’ fees and costs as liquidated damages”.

After remarks, the amendment was *rejected*.

Messrs. Feeney, Collins, Timilty and O’Connor and Ms. L’Italien moved that the proposed new draft be amended in section 5, by striking out, in line 68, the figure “25” and inserting in place thereof the following figure:- “11”. 5

After remarks, the amendment was adopted.

Ms. Friedman, Messrs. Cyr, Collins, Timilty, O’Connor and Feeney and Ms. L’Italien moved that the proposed new draft be amended in section 5, by inserting after the word “owed”, in line 73, the following words:- “or incurred”; 6

In said section 5, by inserting after the word “defense”, in line 84, the following words:- “to liquidated damages and attorneys’ fees and costs”; and

In said section 5, by striking out, in line 213, the words “and (iii)”, and inserting in place thereof the following words:- “(iii) a lead contractor who raises a successful affirmative defense under subsection (f) of section 148E but paid in full wages owed due to wage theft; and (iv)”.

After remarks, the amendment was adopted.

Messrs. Tarr and Ross moved that the proposed new draft be amended in Paragraph (c) of Section 148E by adding on line 55 the following phrase after the word “theft;” “; (ii) the lead contractor is a joint employer of the aggrieved individual or knew or had reason to know of the alleged wage theft; (iii)”; 10

In said Paragraph (C) of Section 148E by striking on line 60 the following after the word “occurred”:- “and”; and

In said Paragraph (C) of Section 148E by adding on line 60 the following phrase after the word “owed”:- “, and the factual basis for claiming that the lead contractor may be joint and severally liable”.

Recess.

After remarks, and pending the question on adoption of the amendment, at twenty-one minutes past two 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-one minutes before three o’clock P.M., the Senate reassembled, the President in the Chair. Recess.

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 Senate Bill to prevent wage theft and promote employer accountability (Senate, No. 2327),-- was further considered, the main question being on ordering the bill to a third reading. Wage theft.

The pending amendment, previously moved by Messrs. Tarr and Ross, was again considered; and, after remarks, was *rejected*. 10

Messrs. Tarr and Ross moved that the proposed new draft be amended by 11

adding the following section:-

“SECTION . This act shall supersede any municipal ordinance rendering any current municipal ordinances null and void.”

After remarks, the amendment was *rejected*.

Messrs. Feeney, Cyr, Collins, Timilty and O'Connor and Ms. L'Italien moved that the proposed new draft be amended in section 5, by striking out, in line 175, the figure “72” and inserting in place thereof the following figure:- “48”;

12

In said section 5, by inserting after the word “employment”, in line 176, the following words:- “; provided, however, that no stop work order shall take effect prior to the conclusion of the business day after the day on which the order is served”; and

In said section 5, by striking out, in line 184, the figure “30” and inserting in place thereof the following figure:- “21”.

After remarks, the amendment was adopted.

Messrs. Tarr and Ross moved that the proposed new draft be amended in section 5, by striking out, in line 94, the words “or (iii)” and inserting in place thereof the following words:- “(iii) providing sufficient evidence of impossibility of performance, not caused by or resulting from a violation of law; or (iv)”.

15

After remarks, the amendment was adopted.

Ms. Spilka moved that the proposed new draft be amended in section 5, by striking out, in line 37, the word “sentence” and inserting in place thereof the following words:- “and third sentences and the fourth paragraph”;

13

In said section 5, by striking out, in line 38, the words “, 148C or” and inserting in place thereof the following words:- “ or 148C, the fourth sentence of section 150, section”;

In said section 5, in the first paragraph of proposed subsection (c) of proposed section 148E of the General Laws, by adding the following sentence:- “A successor entity to any lead contractor, labor contractor or labor subcontractor subject to liability under this section shall also be liable under this section if that entity: (i) has 1 or more of the same principals or officers as the person or entity subject to liability; and (ii) is engaged in the same or equivalent trade or activity as the person or entity subject to liability.”;

In said section 5, by inserting after the word “contractor”, in line 82 the following words:- “or labor contractor”;

In said section 5, by inserting, in line 98, after the word “contractor”, the second time it appears, the following words:- “and the entity that secured the bond demonstrates that the bond secured has been used to cover wages owed under the wage theft claim”;

In said section 5, by inserting after the word “may”, in line 104, the following words:- “either: (i) provide the unpaid wages directly to the person performing labor for the lead contractor; or (ii)”;

In said section 5, by inserting after the word “determines”, in line 124, the following words:- “after an investigation”;

In said section 5, by striking out, in line 146, the words “chapter 30A” and inserting in place thereof the following words:- “subsection (b) section 39 of chapter 151A”; and

In said section 5, by inserting, after the word “determination”, in line 162, the following words:- “based on an investigation”.

After remarks, the amendment was adopted.

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

The bill (Senate, No. 2546, amended) was then 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 eight minutes before three o'clock P.M., on motion of Mr. DiDomenico, as follows, to wit (yeas 38 – nays 0) [**Yeas and Nays No. 428**]:

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 three minutes before three o'clock P.M., the bill was passed to be engrossed [For text of bill, printed as amended, see Senate, No. 2574].

Sent to the House for concurrence.

The Senate Resolutions for a United States constitutional amendment and amendments convention (Senate, No. 2243),-- was considered, the question being on adoption.

Constitutional
Convention.

The pending motion, previously moved by Mr. Eldridge, to lay the matter on the table,-- was considered; and it was *negatived*.

Pending the question on adoption of the resolutions, Mr. Lesser moved that the resolutions be amended by striking out lines 22 to 45, inclusive, and lines 53 to 75, inclusive.

Recess.

After debate, and pending the question on adoption of the amendment, at one minutes before four 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-four minutes past four o'clock P.M., the Senate reassembled, Mr. Rodrigues in the Chair.

Recess.

Orders of the Day

The Orders of the Day were further considered as follows:

The Senate Resolutions for a United States constitutional amendment and

amendments convention (Senate, No. 2243),-- were further considered, the main question being on adoption.

The pending amendment, previously moved by Mr. Lesser, was again considered.

The question on adoption of the amendment was determined by a call of the twenty-four minutes past four o'clock P.M., on motion of Mr. Lesser, as follows, to wit (yeas 23 – nays 15) [**Yeas and Nays No. 429**]:

YEAS.

Barrett, Michael J.	Gobi, Anne M.
Boncore, Joseph A.	Humason, Donald F., Jr.
Brady, Michael D.	Lesser, Eric P.
Brownsberger, William N.	Moore, Michael O.
Chandler, Harriette L.	Pacheco, Marc R.
Chang-Diaz, Sonia	Rodrigues, Michael J.
Collins, Nick	Ross, Richard J.
Creem, Cynthia Stone	Spilka, Karen E.
deMacedo, Viriato M.	Tarr, Bruce E.
DiDomenico, Sal N.	Tran, Dean A.
Fattman, Ryan C.	Welch, James T. – 23 .
Friedman, Cindy F.	

NAYS.

Crighton, Brendan P.	L'Italien, Barbara A.
Cyr, Julian	Lovely, Joan B.
Eldridge, James B.	Montigny, Mark C.
Feeney, Paul R.	O'Connor, Patrick M.
Hinds, Adam G.	O'Connor Ives, Kathleen
Jehlen, Patricia D.	Rush, Michael F.
Keenan, John F.	Timilty, Walter F. – 15 .
Lewis, Jason M.	

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

The President in the Chair, after debate, the question on adoption of the resolutions were determined by a call of the yeas and nays at twenty-six past four o'clock P.M., on motion of Mr. Eldridge, as follows, to wit (yeas 37 – nays 1) [**Yeas and Nays No. 430**]:

YEAS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	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.
Feeney, Paul R.
Friedman, Cindy F.
Gobi, Anne M.
Hinds, Adam G.
Humason, Donald F., Jr.
Jehlen, Patricia D.

Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 37.

NAYS.

Brownsberger, William N. – 1.

The yeas and nays having been completed at sixteen minutes before five o'clock P.M., the resolutions were adopted.

Sent to the House for concurrence.

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered as follows:

The Senate Bill to protect children and families from harmful flame retardants (Senate, No. 1175),-- was read second time.

Flame retardants.

After remarks, the pending amendment, previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2555),-- was considered; and it was adopted.

The bill (Senate, 2555) 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 nine minutes before five o'clock P.M., on motion of Ms. Creem, as follows, to wit (yeas 37 – nays 0) [**Yeas and Nays No. 431**]:

YEAS.

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

Jehlen, Patricia D.
Keenan, John F.
Lewis, Jason M.
L'Italien, Barbara A.
Lovely, Joan B.
Montigny, Mark C.
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. – 37.

NAYS – 0.

ABSENT OR NOT VOTING.

Lesser, Eric P. – 1.

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

Sent to the House for concurrence.

The Senate Bill to modernize the Commonwealth's administration of unemployment insurance (Senate, No. 2450),-- was read a second time.

Unemployment
insurance.

After remarks, and pending the question on adoption of the pending amendment, previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2554), and pending the main question on ordering the bill to a third reading, Mr. Tarr moves that the proposed new draft be amended by inserting after section 5 the following section:-

“SECTION __:- Section 1 shall go into effect on July 1, 2019.”

After remarks, the amendment was adopted.

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

The bill (Senate, No. 2554, amended) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill relative to ivory and rhino horn trafficking (Senate, No. 2382),-- was read a second time.

Trafficking,-- ivory
and rhino horns.

After remarks, and pending the question on adoption of the pending amendment, previously recommended by the committee on Ways and Means substituting a new draft entitled “An Act relative to ivory and rhinoceros horn trafficking” (Senate, No. 2553), and pending the main question on ordering the bill to a third reading, Messrs. Tarr and Cyr moved that the pending new draft be amended by at the end thereof the following section:-

“SECTION 1A. Notwithstanding any general or special law to the contrary, the director of law enforcement shall conduct a study regarding implementation of a certification system for ivory items or products derived from mammoth or mastodon. The director shall submit the report to the clerks of the senate and house of representatives and the joint committee on environment, natural resources and agriculture not later than December 31, 2019.”

The amendment was adopted.

Messrs. Tarr and Cyr moved that the pending new draft be amended in section 1, by striking out, in line 110, the words “and (iii)” and inserting in place thereof the following words:- “(iii) the number of enforcement actions taken under this chapter in the preceding 12 months, to the extent feasible; and (iv)”.

After remarks, the amendment was adopted.

Messrs. Cyr and Montigny and Ms. Gobi moved that the pending new draft be amended by striking out, in line 7, the following words:- “, mammoth or mastodon,”.

The amendment was *rejected*.

Mr. Cyr moved that the pending new draft be amended by inserting after the word “purposes”, in line 70, the following words:- “; or (ix) the sale, purchase or possession of scrimshaw, antiques or artifacts where it may be reasonably inferred that each ivory component of the item was lawfully obtained”.

The amendment was *rejected*.

Mr. Cyr moved that the pending new draft be amended by inserting, after line 70, the following subsection:-

“(d) nothing in this section shall be construed to prohibit the sale, purchase or

possession of ivory, horn, bone or tooth derived from marine mammals including but not limited to whale tooth, whale bone and walrus ivory.”

After remarks, the amendment was adopted.

Ms. Spilka moved that the pending new draft be amended by striking out, in line 44, the word "can" and inserting in place thereof the following word: "shall".

The amendment was adopted.

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

The bill (Senate, No. 2553, amended) was then ordered to a third reading, read a third time and passed to be engrossed [For text of bill, printed as amended, see Senate, No. 2575].

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 Resolve relative to sexual assault counselor task force (Senate, No. 1241) (the committee on Rules recommending that the bill be amended by substituting a new draft with the same title, Senate, No. 2567).

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

The resolve (Senate, No. 2567) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

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 Margaret “Peg” Hannigan.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill to provide identification to homeless youth and families (Senate, No. 1906),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2568).

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That, notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill to provide identification to homeless youth and families (Senate, No. 1906) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2568) shall be placed in the Orders of the Day for a second reading on Thursday, June 28, 2018.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M. on Monday, June 25, 2018. All such amendments shall be second-reading amendments to Senate, No. 2568, 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

6

Sexual assault
counselor,-- task
force.

Moment of silence.

Homeless families,--
identification.

Procedural order.

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 said committee, reported, recommending that the order be adopted.

The rules were suspended, on motion of Mr. Rush, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, June 28, 2018, for a second reading with the amendment pending.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill promoting construction zone safety (Senate, No. 2217),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2569).

Construction zone safety.

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That, notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill promoting construction zone safety (Senate, No. 2217) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft, Senate, No. 2569) shall be placed in the Orders of the Day for a second reading on Thursday, June 28, 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, June 25, 2018. All such amendments shall be second-reading amendments to Senate, No. 2569, 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 said committee, reported, recommending that the order be adopted.

The rules were suspended, on motion of Mr. Eldridge, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, June 28, 2018, for a second reading with the amendment pending.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the Senate Bill to reduce traffic fatalities (Senate, No. 2362),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2570).

Construction zone safety.

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill to reduce traffic fatalities (Senate, No. 2362) (the committee on Ways and Means having recommended that the bill ought to pass, with an amendment,

Procedural order.

substituting a new draft, Senate, No. 2570) shall be placed in the Orders of the Day for a second reading on Thursday, June 28, 2018.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, June 25, 2018. All such amendments shall be second-reading amendments to the Senate Ways and Means new draft (Senate, No. 2570) 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 said committee, reported, recommending that the order be adopted.

The rules were suspended, on motion of Mr. Cyr, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, June 28, 2018, for a second reading with the amendment pending.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the House protecting youth from the health risks of tobacco and nicotine addiction (House, No. 4486),-- ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2571.

Tobacco, nicotine addiction..

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill protecting youth from the health risks of tobacco and nicotine addiction (House, No. 4486) (the committee on Ways and Means having recommended that the bill ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2571) shall be placed in the Orders of the Day for a second reading on Thursday, June 28, 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, June 25, 2018. All such amendments shall be second-reading amendments to the Senate Ways and Means new text (Senate, No. 2571) 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 said committee, reported, recommending that the order be adopted.

The rules were suspended, on motion of Mr. Lewis, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, June 28, 2018, for a second reading with the amendment pending.

PAPERS FROM THE HOUSE.

A Bill establishing a sick leave bank for Zelpha Bennett, an employee of Operational Services Division (House, No. 4119,-- on petition),-- was read.

Zelpha Bennett,--
sick leave.

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

A petition (accompanied by bill, House, No. 4653) of Jennifer E. Benson for legislation to establish a sick leave bank for Carol Poladian, an employee of the Public Employee Retirement Administration Commission,-- **was referred in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Carol Poladian,-- sick
leave.

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.

Adjourn In Memory of Margaret "Peg" Hannigan

The Senator from Middlesex and Norfolk, Ms. Creem, moved that when the senate adjourns today, it adjourn in memory Margaret "Peg" Hannigan of Newton.

Ms. Creem in the Chair, Margaret "Peg" Hannigan died at the age of 98 on May 5, 2018.

Born and raised in Newton, Massachusetts, Peg became an active political figure in local politics. She first entered the political realm in the 1970's, in the middle of a fierce debate concerning the construction of the Massachusetts Turnpike through her hometown.

Peg, known affectionately as the "Godmother of the Newton Democratic Party," chaired the Ward 2 Democratic Committee and was chairwoman of the Newton Democratic City Committee for 16 years during the 1980's and early 1990's, a period that saw dramatic party growth and activism in Newton.

A firebrand of progressivism, Peg's ardent political work and social activism was seen as a source of inspiration to others, especially women who wanted to become more involved in politics. Peg participated in political campaigns starting in 1947 with John F. Kennedy. She went on to contribute to the campaigns of many others, such as Father Drinan, Barney Frank, Michael Dukakis, Ted Kennedy, John Kerry, Setti Warren and most recently Bernie Sanders, for whom she served as Newton's honorary co-chair. Peg was a longtime friend and confidant of several prominent officials, including Newton's entire delegation in the state Legislature. Up until her passing, prominent Democrats still sought her support and advice. She was unique and her passing represented the end of an era.

Peg was predeceased by her husband John Hannigan, with whom she enjoyed many years, as well as her brothers Francis and John Doherty and her daughter, Nancy Martin. She will be deeply missed by her daughter Kathleen Millstein and her

husband Philip Millstein, her son Denis Hannigan and Nancy's husband Kenneth Martin, five grandchildren, and seven great-grandchildren. She is survived by many nieces, nephews and cousins both in Massachusetts and Ireland and will be remembered fondly by the larger Newton community, and all those who knew her.

The President in the Chair, accordingly, as a mark of respect in memory Margaret "Peg" Hannigan, at twenty minutes before six o'clock P.M., on motion of Ms. Creem, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.
