

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, AUGUST 23, 2018

JOURNAL OF THE SENATE.

Thursday, August 23, 2018.

Met at seventeen minutes past eleven o'clock A.M. (Mr. Crighton in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

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

Pledge of allegiance.

Communications.

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

Communication from the Office of the Comptroller (pursuant to Section 2E of Chapter 47 of the Acts of 2017) submitting a Fiscal Year 2018 revised transfer schedule for the following account: 1595-1068 Medical Assistance Trust Fund (received August 13, 2018);

Comptroller,-- revised transfer schedule. SD2750

Communication from the Office of the Comptroller (pursuant to Section 2E of Chapter 154 of the Acts of 2018) submitting the Fiscal Year 2019 transfer schedules for the following accounts:

Comptroller,-- transfer schedules. SD2751

- 1595-6368 Massachusetts Transportation
1595-6369 Massachusetts Bay Transportation Authority
1595-6370 Regional Transit Authorities
1595-6379 Motor Vehicle Insurance Merit Rating Board (received August 13, 2018);

Communication from the Office of the Comptroller (pursuant to Section 2E of Chapter 154 of the Acts of 2018) submitting the Fiscal Year 2019 transfer schedules for the following accounts:

Comptroller,-- transfer schedules. SD2752

- 1595-1068 Medical Assistance Trust Fund
1595-1070 Safety Net Provider Trust Fund (received August 13, 2018); and

Communication from the Office of the Comptroller (pursuant to Section 2E of Chapter 154 of the Acts of 2018) submitting the Fiscal Year 2019 transfer schedule for the following account: 1595-5819 Commonwealth Care Trust Fund (received August 13, 2018).

Comptroller,-- transfer schedule. SD2753

Report of a Committee.

By Mr. Brownsberger, for the committee on the Judiciary, on petition (accompanied by bill, Senate, No. 2628), an Order relative to authorizing the joint committee on the Judiciary to make an investigation and study of a certain current Senate document relative to hardship licenses for first time offenders (Senate, No. 2657);

Judiciary committee,- study.

Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

PAPER FROM THE HOUSE

Report of the committee on Health Care Financing asking to be discharged from further consideration of the House Bill to support the transition to adult services for persons with disabilities (House, No. 1953, changed),-- and recommending that the same be referred to the House committee on Ways and Means,-- **was considered forthwith, under Senate Rule 36, and accepted, in concurrence in so much as relates to the discharge of the joint committee.**

Disabled persons,-- services.

Resolutions.

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

Resolutions (filed by Ms. Gobi) “commending Brookfield Orchards on the occasion of its one hundredth anniversary celebration”; and

Brookfield Orchards.

Resolutions (filed by Mr. Pacheco) “congratulating Hilda Machado on her one hundredth birthday”.

Hilda Machado.

Resolutions.

The following resolutions (offered by Ms. Spilka, Ms. Chandler, Ms. Jehlen and Mr. Tarr and having been filed with the Clerk) were read and adopted, as follows:-

RESOLUTIONS CONGRATULATING DAVID SULLIVAN ON FORTY-ONE YEARS OF SERVICE IN STATE GOVERNMENT

David Sullivan.

Whereas, David Sullivan is departing state government after more than forty-one years of tireless service for people of the Commonwealth; and

Whereas, during his tenure he provided counsel to former Secretary of the Commonwealth Michael J. Connolly, to the State Ethics Commission, to then-chair of Senate Ways and Means Thomas F. Birmingham, to the entire Senate as Counsel for 10 years, to former Governor Deval L. Patrick, and to three senate presidents; and

Whereas, David’s welcome and wise counsel was always delivered with professionalism, respect, and a desire to do what is right; and

Whereas, he leaves a legacy and list of accomplishments which few could rival; and

Whereas, David’s ability to dissect and untangle complex issues led to his involvement in the formation of far-reaching public policy, including redistricting and reprecincting, housing preservation and expansion, firearm safety, probation reform, tax equity, campaign finance reform, government transparency and efficiency, paid family and medical leave, and several minimum wage increases, to name a few; and

Whereas, he has persistently worked for the protection and advancement of electoral rights, from his early days in the elections division through his most recent efforts to make automatic voter registration law; and

Whereas, as he departs the Senate, David will continue to pursue his self-described “hobby” of voter protection; and

Whereas, his departure will also permit him to more fully embrace his retiree status, which his wife, Catherine, will undoubtedly approve; now therefore be it

Resolved, that the Massachusetts Senate thanks David Sullivan for more than four decades of service and further extends to him its best wishes for continued success in all his future endeavors; and be it further

UNCORRECTED PROOF.

Resolved, that a copy of these resolutions be transmitted forthwith by the Clerk of the Senate to David Sullivan.

Matters Taken Out of the Orders of the Day

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

The Senate Bill allowing the city council of the city of Everett to set the salary for the clerk of the city council (Senate, No. 2514) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

Everett,-- clerk.

Pending the question on passing the bill to be engrossed, Mr. DiDomenico presented an amendment striking out section 1 and inserting in place thereof the following section:-

“SECTION 1. Notwithstanding any general or special law to the contrary, the city council of the city of Everett shall set the salary of the clerk of the city council at the amount that the council deems appropriate.”

The amendment was adopted.

The bill (Senate, No. 2514, amended) was then passed to be engrossed.

Sent to the House for concurrence.

The House Bill changing the date of the annual town meeting of the town of North Reading (House, No. 4687) (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.**

North Reading,-- town meeting.

The House Bill to establish a sick leave bank for Diane Misiano, an employee of the Department of Revenue (House, No. 4845, amended),-- **was read a third time and passed to be engrossed, in concurrence.**

Diane Misiano,-- sick leave.

Report of a Committee.

By Mr. Feeney, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Roberta Keeping, an employee of the Department of Transportation (Senate, No. 2655).

Roberta Keeping,-- sick leave.

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

PAPERS FROM THE HOUSE

A Bill authorizing the town of Whately to continue the employment of John Hannum (House, No. 4547,-- on petition) [Local approval received],-- was read.

Whately,-- John Hannum.

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

A Bill authorizing the city of Beverly to issue an additional liquor license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4628,-- on petition) [Local approval received],-- was read.

Beverly,-- liquor license.

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

A Bill authorizing the town of Northfield to continue the employment of Floyd

Northfield,-- Floyd

Dunnell, III (House, No. 4675,-- on petition) [Local approval received],-- was read.

Dunnell.

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

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 adding a fifth member to the board of election commissioners in the city of Everett (Senate, No. 2515) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

Everett,-- board of election commissioners.

Pending the question on passing the bill to be engrossed, Mr. DiDomenico presented an amendment substituting a new draft with the same title (Senate, No. 2658).

The amendment was adopted.

The bill (Senate, No. 2658) was then passed to be engrossed.

Sent to the House for concurrence.

Report of Committee.

By Mr. Montigny, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Michael D. Brady for legislation to establish a sick leave bank for Richard G. Perry, an employee of the Department of Conservation and Recreation.

Richard G. Perry,-- sick leave. SD2742

The rules were suspended, on motion of Mr. Timilty, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Engrossed Bills.

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

Authorizing the town of Wareham to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises (see Senate, No. 2307);

Bills laid before the Governor.

Authorizing the city of Salem to grant 1 additional liquor license for the sale of wine and malt beverages not to be drunk on the premises (see House, No. 3753, amended); and

Authorizing the city of Quincy to grant abatements of real estate taxes to certain veterans (see House, No. 4782).

Order Adopted.

On motion of deMacedo,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o'clock A.M.

Time of meeting.

Moment of Silence.

At the request of the Chair (Mr. Crighton), the members, guests and staff stood in a moment of silence and reflection to the memory of John Avigian, Sr..

Moment of silence.

Adjourn In Memory of John Avigian, Sr.

The Senator from Essex, Ms. Lovely, moved that when the Senate adjourns today, it adjourn in memory of John Avigian, Sr.

John Avigian, Sr., the son of Levon and Jouhar (Markarian) Avigian, survivors of the Armenian Genocide, passed away on June 19, 2018.

John was born in Vartmeng Harpoot, Armenia on August 15, 1921 and came to the United States in July of 1928. John traveled with his mother through Lebanon (Syria) and France and entered the United States in Rhode Island, where his father joined them.

John graduated in 1936 from Bowditch School, and in May of 1940 he graduated from Salem High School. He enlisted in the United States Navy on May 20, 1940. John trained at Newport Naval Base, prior to being assigned to the Naval Air Station in Pensacola, Florida. After Pearl Harbor, John was transferred to Norfolk Naval Shipyard to commission the USS Alabama BB60, which toured the Arctic Circle and the Atlantic Ocean. While on the USS Alabama BB60, he crossed the Arctic Circle on June 7, 1947 and received the Domain Neptune USPEX Land of the Midnight Sun. In his active career as Chief Storekeeper, he served in World War II, the Korean War, and Vietnam.

Upon the USS Alabama BB60's return to the United States, John was reassigned to Cargo Handling Group Number 2 in Oakland, California. The unit crossed the country on a freight train. Approximately one year later, John was reassigned to the USS Almack AKA10 and delivered cargo to China, the Philippines, and Japan. He received orders to decommission the USS Almack, which crossed the Panama Canal to Brooklyn, New York for decommissioning. John was reassigned to Lakehurst New Jersey Naval Airbase for three years. He was then assigned to LST RON2, Little Creek, Virginia. After that, John was reassigned to the USS Gordias LST36, and on March 8, 1950, John participated in Amphibious Airborne of Vieques Imusion.

John's last assignment was on the USS Iowa BB61. Upon visiting Brazil, John received the Imperium Neptunio Regis on June 26, 1957. Upon returning to the United States, he was assigned to the US Fargo Building in Boston until his retirement to the Naval Fleet Reserve on September 19, 1961. John fully retired on April 30, 1970 after 9 years in the United States Naval Reserve. John's naval career spanned a total of three decades.

John was the recipient of numerous medals, including but not limited to, Good Conduct, 1 Star: American Defense, 1 Star; American Theatre; European-African-Middle East, 2 Stars: Asiatic-Pacific Service, Navy Occupational, Europe, and China Medals, as well as the Cold War Medal.

John was a charter and life member of the World War II Memorial; a charter and life member of Fleet Reserve Association Memorial; a charter and life member of Disabled American Veterans; he was also a life member of the American Legion. John was a member of the Italian Community Club in Beverly and was a charter member of Tully Square in Salem.

In civilian life, John worked for the United States Postal Service and the Salem

School Department, employed for the Salem School Department for 22 years, and in 1987 he retired as the Superintendent of Maintenance and Custodial Services.

John leaves behind his loving wife of 71 years, Bertha (Kulakowski) Avigian, his children Joan Swayne of Salem, John Avigian, Jr. and his wife Carol of Salem, and Patricia Blanchard and her husband, Bruce of Wenham; grandchildren Meghan DeZinno and her husband Matthew of Westerville, Ohio, John W. Avigian of Rowley, Scott Avigian of Middleton, Shawn Blanchard and his wife Charmaine of Rockport, and Adam Blanchard and his wife, Amy of Wenham; and great-grandchildren, Claire DeZinno, Aaron Avigian, Riley and Flynn Blanchard, Ashley, Adam, Amanda, Andrew, and Cameron Blanchard. John was predeceased by his son Paul Leo Avigian.

Accordingly, as a mark of respect in memory of John Avigian, Sr., at twenty-six minutes before twelve o'clock noon, on motion of Mr. deMacedo, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.