

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**MONDAY, SEPTEMBER 24, 2018.**

## JOURNAL OF THE SENATE.

Monday, September 24, 2018.

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

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### *Communications.*

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

Communications from the Honorable Karen E. Spilka, President of the Senate, announcing the following appointments:

Senator Michael O. Moore (pursuant to Section 219 of Chapter 69 of the Acts of 2018) to the Special Commission to study the prevention of suicide among correctional officers in Massachusetts correctional facilities;

Senator Cynthia Stone Creem (pursuant to Section 221 of Chapter 69 of the Acts of 2018) to the Task Force to examine and study the treatment and impact of individuals ages 18 to 24 in the court system and correction system;

Senate President Emerita Harriette L. Chandler (pursuant to Section 76 of Chapter 154 of the Acts of 2018) as Co-Chair to the Brain Injury Commission;

Senator Cindy F. Friedman (pursuant to Section 223 of Chapter 69 of the Acts of 2018) to the Panel on Justice Involved Women;

Senator Anne M. Gobi (pursuant to Section 103 of Chapter 154 of the Acts of 2018) as Co-Chair to the Crumbling Concrete Commission to study the financial and economic impacts of crumbling concrete foundations due to the presence of pyrrhotite;

Senator James B. Eldridge (pursuant to Section(s) 202 and 231 of Chapter 69 of the Acts of 2018) to the Restorative Justice Advisory Committee; and

Tania Diduca, Chief of Staff at South Middlesex Opportunity Council (pursuant to Section 190 of Chapter 133 of the Acts of 2016) to the Special Commission on Homeless Student Transportation to make a study and recommendations to improve efficiencies relative to transportation for homeless students;

Communication from the Honorable Bruce E. Tarr, Senate Minority Leader, announcing the appointment of himself with Mr. Paul Lundberg of Gloucester as his designee (pursuant to Section 72 of Chapter 154 of the Acts of 2018) to the Task Force on regional transit authority performance and funding; and

Communication from the Massachusetts Department of Conservation and Recreation's Office of DAM Safety and Regulatory Unit (pursuant Section 48A of Chapter 253 of the General Laws) submitting its 2017 DAM Safety Comprehensive Report (received September 19, 2018).

Correctional officer  
suicide prevention.

Treatment and impact  
of 18 to 24 year olds  
in court/correction  
systems.  
Brain Injury  
Commission.

Panel of Justice  
Involved Women.

Crumbling Concrete  
Commission.

Restorative Justice  
Advisory Committee.

Homeless Student  
Transportation  
Commission.

Task Force on  
regional transit  
authority  
performance and  
funding.  
DCR,--FY17  
ODS report.  
SD2774

### *Report.*

Report of the Department of Unemployment Assistance (pursuant to Section 14F of Chapter 151A of the General Laws) submitting the August 2018 Unemployment Insurance Trust Fund report (received September 20, 2018),-- **was placed on file.**

DUA,-- trust fund  
report.  
SD2773

*Petition.*

Ms. Jehlen presented a petition (accompanied by bill, Senate, No. 2664) of Patricia D. Jehlen, Denise Provost, Christine P. Barber and Mike Connolly (with approval of the mayor and city council) for legislation to amend the charter of the city of Somerville [Local approval received];

Somerville,-- city charter.

**Referred, under Senate Rule 20, to the committee on Municipalities and Regional Government.**

**Sent to the House for concurrence.**

PAPERS FROM THE HOUSE

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

Ms. Liz Friedman of Northampton (under Section 66 of Chapter 3 of the General Laws) to the permanent Commission on the Status of Women; and

Commission on the Status of Women.

Sanford Pooler, Deputy Town Manager of the town of Arlington (under Section 190 of Chapter 133 of the Acts of 2016) to the special commission established to study and make recommendations to improve efficiencies relative to transportation for homeless students.

Transportation for homeless students.

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

Representative David Viera of Falmouth (under Section 226 of Chapter 69 of the Acts of 2018) to the special commission relative to reviewing the qualifications and scope of practice of qualified examiners;

Qualifies examiners.

Representative Matthew Muratore of Plymouth (under Section 97 of Chapter 209 of the Acts of 2018) to the special legislative commission relative to ocean acidification;

Ocean acidification.

Representative Todd Smola (under Section 103 of Chapter 154 of the Acts of 2018) to the special legislative commission to study the financial and economic impacts of crumbling concrete foundations due to the presence of pyrrhotite;

Crumbling Concrete Commission.

Representative William Crocker of Barnstable (under Section 219 of Chapter 69 of the Acts of 2018) to the special commission to study the prevention of suicide among correction officers;

Correction officers,-- suicide.

Representative Hannah Kane (under Section 72 of Chapter 154 of the Acts of 2018) to the task force of regional transit authority performance and funding;

Regional transit authorities.

Representative David Viera (under Section 221 of Chapter 69 of the Acts of 2018) to the task force examining and studying the treatment and impact of individuals ages 18 to 24 in the court system and correction system;

Treatment and impact of 18 to 24 year olds in court/correction systems.  
Veteran's tuition.

Representative David DeCoste of Norwell (under Section 44 of Chapter 218 of the Acts of 2018) to the special commission studying the cost and feasibility of exempting Massachusetts veterans from tuition, fees and associated costs of attending public colleges and universities in the Commonwealth;

Representative Timothy Whelan of Brewster (under Section 78 of Chapter 154 of the Acts of 2018) to the special commission charged with review the hiring and promotion policies and practices of the State Police;

State police promotions and practices.

Representative Steven Hewitt (under Section 31 of Chapter 219 of the Acts of 2018) to the special commission on the mandated reporting of known or suspected animal cruelty and abuse of children, the elderly and disabled persons;

Animal, elderly and child abuse.

Representative Kimberly Ferguson of Holden (under Section 76 of Chapter 154 of the Acts of 2018) to the special commission to study the needs of individuals with acquired brain injury and persons with traumatic brain injury and their families;

Assistance Minority Leader Bradford Hill of Ipswich (under Section 77 of Chapter 154 of the Acts of 2018) to the special commission on improving efficiencies in student transportation; and

Representative Sheila Harrington of Groton (under Section 220 of Chapter 69 of the Acts of 2018) to the special commission on bail reform.

Brain injuries.

Student transportation.

Bail reform.

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

Petition (accompanied by bill, House, No. 4914) of Joseph F. Wagner, Eric P. Lesser and others (with the approval of the mayor and city council) that the city of Chicopee be authorized to establish a water and sewer department in said city;

Chicopee,-- water and sewer department.

**To the committee on Municipalities and Regional Government.**

Petition (accompanied by bill, House, No. 4915) of James M. Murphy, Patrick M. O'Connor and Ronald Mariano (with the approval of the mayor and town council) that the retirement board of the town of Weymouth be authorized to pay a certain retirement benefit to the surviving spouse of fallen officer Michael Chesna of the police department of said town;

Michael Chesna,-- retirement benefits.

**To the committee on Public Service.**

**Bills**

Providing for the terms of certain bonds for the protection of environmental and natural resources and certain bonds for the economic infrastructure and economic opportunity needs of the Commonwealth to be issued to the Commonwealth (printed in House, No. 4890,-- on petition); and

Environmental resources,-- terms.

Providing for the terms of certain bonds for transportation improvements to be issued by the Commonwealth (printed in House, No. 4891,-- on petition);

Transportation improvements.

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

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*Recess.*

There being no objection, at one minute past eleven o'clock A.M., the Chair (Mr. Crighton) declared a recess subject to the call of the Chair; and, at ten minutes before twelve o'clock noon, the Senate reassembled, Mr. Crighton in the Chair.

Recess.

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

Pledge of allegiance.

*Resolutions.*

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

Resolutions (filed by Ms. Creem) "congratulating Nancy Schön on her ninetieth birthday"; and

Nancy Schön.

Resolutions (filed by Mr. Pacheco) "congratulating Alphonse Cote on his one hundredth birthday".

Alphonse Cote.

*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 town of Andover to establish a means-tested senior citizen property tax exemption (House, No. 4548),-- **was read a third time and passed to be engrossed, in concurrence.**

Andover,-- senior property tax.

The House Bill authorizing the town of Falmouth to continue the employment of police chief Edward Dunne (House, No. 4661),-- **was read a third time and passed to be engrossed, in concurrence.**

Falmouth,-- Edward Dunne.

*Report of a Committee.*

By Mr. Montigny, for the committee on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Nick Collins and Daniel Cullinane for legislation to establish a sick leave bank for Tyra Jackson, an employee of the Department of Mental Health.

Tyra Jackson,-- sick leave. SD2772

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

**Sent to the House for concurrence.**

PAPERS FROM THE HOUSE

A Bill authorizing the town of Provincetown to continue the employment of Michael Trovato (House, No. 3865,-- on petition) [Local approval received],-- was read.

Michael Trovato,-- sick leave.

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

A Bill relative to certain affordable housing in the Roxbury section of the city of Boston (House, No. 4288,-- on petition) [Local approval received],-- was read.

Roxbury,-- affordable housing.

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

A Bill relative to the position of appointed tax collector in the town of Hadley (House, No. 4750,-- on petition) [Local approval received],-- was read.

Hadley,-- tax collector.

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

A Bill relative to the position of appointed treasurer in the town of Hadley (House, No. 4751,-- on petition) [Local approval received],-- was read.

Hadley,-- treasurer.

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

A Bill authorizing the city of Newton to amend the income qualifications for a certain tax deferral program (House, No. 4849,-- on House, No. 4780) [Local approval received on House, No. 4780],-- was read.

Newton,-- tax deferral program.

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

A Bill establishing a sick leave bank for Lori Convey, an employee of the Department of Correction (House, No. 4902,-- on petition),-- was read.

Lori Convey,-- sick leave.

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

A Bill establishing a sick leave bank for G. Scott Angelo, an employee of the Department of Correction (House, No. 4909,-- on petition),-- was read.

G. Scott Angelo,-- sick leave.

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

*Emergency Preambles Adopted.*

An engrossed Bill establishing a sick leave bank for Pamela Lopez, an employee of the Department of Developmental Services (see Senate, No. 2550), 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 3 to 0.

Pamela Lopez,-- sick leave..

**The bill was signed by the Acting President (Mr. Crighton) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Paul Walsh, an employee of the Department of Correction (see House, No. 4452, amended), 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 3 to 0.

Paul Walsh,-- sick leave.

**The bill was signed by the Acting President (Mr. Crighton) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Amy Burlingame, an employee of the Department of Children and Families (see House, No. 4896, amended), 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 3 to 0.

Amy Burlingame,-- sick leave.

**The bill was signed by the Acting President (Mr. Crighton) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Julie A. Jennings, an employee of the Department of Mental Health (see House, No. 4897), 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 2 to 0.

Julie A. Jennings,-- sick leave.

**The bill was signed by the Acting President (Mr. Crighton) and sent to the House for enactment.**

*Engrossed Bill.*

An engrossed Bill authorizing the city of Beverly to continue the employment of Paul Cotter as Fire Chief (see House, No. 4488, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Mr. Crighton) and laid before the Governor for his approbation.**

Bill laid before the Governor.

*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 Fredrick "Fred" Daniel Lotze.

Moment of silence.

*Order Adopted.*

On motion of Mr. Tarr--

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

Time of meeting.

*Adjourn In Memory of Frederick "Fred" Daniel Lotze.*

The Senator from Worcester and Middlesex, Mr. Tran, moved that when the Senate adjourns today it adjourn in memory of Frederick "Fred" Daniel Lotze of Fitchburg.

Frederick "Fred" Daniel Lotze of Fitchburg passed away on Sunday, August 26 at the VA Boston Healthcare System, West Roxbury Campus, after a long battle with Congestive Heart Failure. Fred was born in Long Beach, California to Frederick and Helen (Berkon) Lotze. He leaves his precious and loving wife of 38 years, Mary (Sheridan), and a devoted daughter Lisa Gravelle and her husband Al of Lunenburg. He leaves his two treasured grandchildren, Mark Deming and wife Kristen of Waltham, and Keri Deming of Brighton. Fred also leaves his sister Dolores Boucher of Chula Vista, California; his brother Gary Lotze and wife Teri of Yuma, Arizona; and a niece and several nephews. His love and pride in his family was boundless.

Fred enlisted in the U.S. Army and among several duty assignments was sent to South Korea. Because of his height, build, and good looks, he was selected to serve in the 8th Army Honor Guard in Seoul, South Korea. During his tour in Korea, Fred contracted Rheumatic Fever and was medically discharged. Fred was employed at Sanders Associates (now BAE Systems) in Nashua, New Hampshire but medically retired in 1992 after his second heart surgery. However, Fred worked diligently to rehabilitate his heart and body. He set up a small home gym where he could work out and lift weights. He especially enjoyed taking his daily 4-mile walks around his neighborhood and down through Coolidge Park. Through the years of walking he not only grew in strength and stamina, but he also cultivated friendships with those he met along the way. As his long walks grew more limited due to his declining health, Fred would walk around Fitchburg State University's athletic field. He loved engaging in banter with the student athletes and the ROTC cadets working out at the field. Fred's doctors attributed his longevity to his healthy lifestyle and physical strength as he faced his heart failure.

Fred was quiet and more of a self-described curiosity hound. He spent hours in pursuit of knowledge, mainly on the subjects of history, science, and music. He even

used his professional skills of accounting, electronics, and technology to create projects and challenges to keep his intellect sharp. He loved playing acoustic guitar and was a pretty righteous fingerpicker of old-time delta blues.

For family and close friends, Fred was also known for his quick wit and ability to have fun. He frequently would begin a joke with, "just the other day"... Fred is sincerely missed by his loving family.

Accordingly, as a mark of respect in memory of Frederick "Fred" Daniel Lotze, at six minutes past twelve o'clock noon, on motion of Mr. Tarr, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.