

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, OCTOBER 25, 2018.

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JOURNAL OF THE SENATE.

Thursday, October 25, 2018.

Met at four minutes past eleven o'clock A.M. (Mr. Feeney 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. Feeney), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Communication.

Communication from the Honorable Karen E. Spilka, President of the Senate, announcing the appointment (pursuant to Section 101 of Chapter 208 of the Acts of 2018) of Diane Gould of Framingham to the Commission to make an investigation and study of recovery coaching,-- **was placed on file.**

Commission on recovery coaching

Reports.

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

Report of the Massachusetts Afterschool and Out-of-School Time Coordinating Council (pursuant to Section 3 of Chapter 254 of the Acts of 2012) submitting its final report titled "Recommendations of the Afterschool and Out-of-School Time Coordinating Council: A Report on the Importance of Afterschool and Summer Learning" (copies having been forwarded as required to the Senate Committee on Ways and Means and Joint Committee on Education) (received October 24, 2018);

ASOSTCC,-- final report. SD2802

Report of the Massachusetts Health Connector (pursuant to Section 115 of Chapter 47 of the Acts of 2017) submitting its "Report on the Feasibility of Establishing a Small Employer Premium Sharing Plan for Participation in the MassHealth Program" (received October 23, 2018); and

Health Connector,-- feasibility report. SD2803

Report of the Montachusett Regional Transit Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its financial statements for the year ended June 30, 2018 (received October 24, 2018).

MART,-- financial statements. SD2804

Reports of Committees.

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 House Bill authorizing the merger of the Salvation Army of Massachusetts, Inc. into the Salvation Army, a New York Corporation (House, No. 3691).

Salvation Army,-- merger.

By Mr. Crighton, for the committee on Municipalities and Regional Government, on petition, a Bill amending the charter of the city of Somerville (Senate, No. 2664) [Local approval received];

Somerville,-- city charter.

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

PAPERS FROM THE HOUSE.

A Bill relative to the health insurance and other benefits in the town of East Brookfield (House, No. 4921,-- on House, No. 4763) [Local approval received on House, No. 4763],-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

East Brookfield,--
health insurance.

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

That Ms. Dimple Rana of Revere had been appointed (under Section 68 of Chapter 3 of the General Laws) to the permanent Commission on the Status of Citizens of Asian Descent;

Commission on the
Status of Citizens of
Asian Descent.

That Representative Garballey of Arlington had been appointed (under Section 5(a) of Chapter 276B of the General Laws, inserted by Section 202 of Chapter 69 the Acts of 2018) to the restorative justice advisory committee to review community-based restorative justice programs;

Restorative justice
advisory committee.

That Representative Livingston of Boston had been appointed (under Section 217(a) of Chapter 69 of the Acts of 2018) to the special commission established pursuant to section 2A of chapter 4 of the General Laws to conduct a study on the ability of a defendant to pay fines and fees;

Defendant,-- payment
of fines and fees.

That Representative Tucker of Salem had been appointed (under Section 221(a) of Chapter 69 of the Acts of 2018) to the task force established to examine and study the treatment and impact of individuals ages 18 to 24 in the court system and correctional system;

Young adults,-- court
system.

That Representative Cullinane of Boston had been appointed (under Section 1 of Chapter 208 of the Acts of 2018) to the commission on community behavioral health promotion and prevention; and

Community behavioral
health promotion and
prevention.

That Representative Tyler of Boston had been appointed (under Section 223(a) of Chapter 69 of the Acts of 2018) to the panel on justice-involved women established to review and report on the impact of said law and other criminal laws on women.

Criminal law,--
impact on women.

Resolutions.

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

Resolutions (filed by Ms. Spilka) “congratulating Peter Morse on his elevation to the rank of Eagle Scout”; and

Peter Morse.

Resolutions (filed by Mr. Tarr) “commending the C Diff Foundation on its celebration of the month of November as *Clostridium Difficile* Awareness Month.”

C Diff Foundation.

Report of a Committee

By Ms. Lovely, for the committee on Ways and Means, that the House Bill authorizing the city of Medford to designate a check-off on its municipal property tax bills (House, No. 4848, amended),-- ought to pass.

Medford,-- property
tax.

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

Matter Taken Out of the Orders of the Day.

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

UNCORRECTED PROOF.

The House Bill relative to the financial condition of the Pioneer Valley Regional School District (House, No. 4746),-- **was read a third time and passed to be engrossed, in concurrence.**

Pioneer Valley
Regional School
District.

PAPERS FROM THE HOUSE.

A Bill establishing a town manager form of government for the town of Pembroke (House, No. 4607, amended,-- on petition) [Local approval received],-- was read.

Pembroke,-- town
manager.

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 designating a certain bridge in the town of West Boylston as the Specialist Kyle A. Little memorial bridge (House, No. 4904,-- on petition),-- was read.

West Boylston,--
memorial bridge.

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.

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

Petition (accompanied by bill, House, No. 4943) of Alice Hanlon Peisch for legislation to establish a sick leave bank for Yin Yu-Wong, an employee of the Massachusetts Rehabilitation Commission;

Yin Yu-Wong,-- sick
leave.

Petition (accompanied by bill, House, No. 4944) of Bradley H. Jones, Jr., Jason M. Lewis and James J. Dwyer for legislation to establish a sick leave bank for Lawrence Jordan, an employee of the Department of Transportation; and

Lawrence Jordan,--
sick leave.

Petition (accompanied by bill, House, No. 4945) of Paul J. Donato and Patricia D. Jehlen for legislation to establish a sick leave bank for Katelyn Giliberti, an employee of the Department of Public Health;

Katelyn Giliberti,--
sick leave.

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

Engrossed Bills.

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

Authorizing the town of Danvers to grant 10 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4459);

Bills laid before the
Governor.

Revising the charter for the city of Melrose (see House, No. 4464, amended); and

Authorizing the town of Williamsburg to continue the employment of fire department members Alan Everett and Robert Lapointe (see House, No. 4703, amended).

Moment of Silence.

At the request of the Chair (Mr. Feeney), the members, guests and staff stood in a moment of silence and reflection to the memory of Catherine Ann Flanagan Stover.

Moment of silence.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill authorizing the city of Medford to designate a check-off on its municipal property tax bills (see House, No. 4848, 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.**

Bill laid before the
Governor.

Feeney) and laid before the Governor for his approbation.

Recess

There being no objection, at twenty-six minutes before twelve o'clock noon, the Chair (Mr. Feeney) declared a recess, subject to the call of the Chair; and at twenty-eight minutes past two o'clock P.M., the Senate reassembled, Ms. Jehlen in the Chair.

Recess.

Report of a Committee.

By Mr. DiDomenico, for the committee on Bills in the Third Reading, to whom was referred the amendment recommended by the Governor to the engrossed Bill to promote and enhance civic engagement (see Senate, No. 2631) (for message see Senate, No. 2650),— reported, that the amendment recommended by the Governor be considered in the following form:—

Civic engagement.

(i) Amend Section 2 of the bill by inserting in the first sentence of subsection (a) of proposed section 26A, after the words “establish a”, the following word:- “non-partisan”.

(ii) Amend Section 4 of the bill by striking out in its entirety subsection (c) of proposed section 2 and inserting in place thereof the following subsection:-

“(c) Each public school serving students in the eighth grade and each public high school shall provide all students with the opportunity to participate in not less than 1 student-led, non-partisan civics project for each student; provided, however, that each such project shall be consistent with the history and social science curriculum frameworks adopted by the board pursuant to section 1E of chapter 69 and with structured learning time requirements as required under regulations promulgated by the board of elementary and secondary education. Civics projects may be individual, small group or class wide, and designed to promote a student’s ability to: (i) analyze complex issues; (ii) consider differing points of view; (iii) reason, make logical arguments and support claims using valid evidence; (iv) engage in civil discourse with those who hold opposing positions; and (v) demonstrate an understanding of the connections between federal, state and local policies, including issues that may impact the student’s school or community. Students choosing not to participate in any particular project shall be offered alternative opportunities to develop the civic abilities described in this section.”

The rules were suspended, on motion of Mr. Tarr, and the Governor’s amendment was considered forthwith.

Pending the question on adoption of the amendment, Ms. Chandler presented a motion that the Governor’s amendment be amended by striking out the text and inserting in place thereof the following:--

In section 2, in subsection (a) of proposed section 26A of chapter 51 of the General Laws, by inserting after the word “a”, in the first sentence, the following word:- “non-partisan”; and

In section 4, by striking out subsection (c) of proposed section 2 of chapter 71 of the General Laws and inserting in place thereof the following subsection:-

“(c) Each public school serving students in the eighth grade and each public high school shall provide not less than 1 student-led, non-partisan civics project for each student; provided, however, that each such project shall be consistent with the history and social science curriculum frameworks adopted by the board pursuant to section 1E of chapter 69 and with structured learning time requirements as required under regulations promulgated by the board of elementary and secondary education. Civics projects may be individual, small group or class wide, and designed to promote a student’s ability to: (i) analyze complex issues; (ii) consider differing points of view; (iii) reason, make logical

arguments and support claims using valid evidence; (iv) engage in civil discourse with those who hold opposing positions; and (v) demonstrate an understanding of the connections between federal, state and local policies, including issues that may impact the student's school or community. Any student choosing not to participate in a particular group or class-wide project shall be offered the opportunity to develop an individual civics project, with approval by the principal."

After remarks, and pending the question on adoption of the further amendment, on motion of Mr. Tarr, the further consideration thereof was postponed until the next session.

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.

Time of meeting.

Adjourn In Memory of Catherine Ann Flanagan Stover.

The Senator from Cape and Islands, Mr. Cyr, moved that when the Senate adjourns today, it adjourn in memory of Catherine Ann Flanagan Stover of Nantucket.

Catherine passed away at Massachusetts General Hospital on July 31, 2018, after a brief illness. She was 66 years old.

Ms. Stover, a native and longtime resident of Nantucket, will be remembered for her exceptional public service and generosity. She served as Nantucket's town clerk for the past twenty years, and was renowned for her willingness to help all people she interacted with. She consistently went beyond to be of support to others, and her frequent acts of kindness are indicative of her character. Her service to others was never limited by the duties of her job, but rather, by the hours in a day.

Ms. Stover was a stalwart presence during the most important moments of many peoples' lives. She officiated countless weddings and vow renewals as a justice of the peace. Ms. Stover graduated from Nantucket High School in 1970, and further earned a degree with High Honors from the New England Institute of Applied Arts and Sciences in 1987 in funeral service. As a licensed funeral director, she worked tirelessly to help those coping with the loss of a loved one. When Nantucket's lone funeral home closed in 2013, Ms. Stover delivered unclaimed ashes to a deceased person's family member at her own expense. She was also an important advocate for bringing a nonprofit funeral home and crematorium back to the island.

In addition to her strong commitments to her community, Ms. Stover was a loving and dedicated mother. She is survived by her husband of forty-seven years, John Stover. She was a mother of seven children and seven grandchildren.

We remember Catherine Flanagan Stover for her remarkable service to others, compassion, and love..

Accordingly, as a mark of respect in memory of Catherine Ann Flanagan Stover, at twenty-eight minutes before three o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.