

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, OCTOBER 29, 2018.

[104]

JOURNAL OF THE SENATE.

Monday, October 29, 2018.

Met at six minutes past eleven o'clock A.M. (Ms. Chandler in the Chair).

The Chair (Ms. Chandler), 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 Honorable Karen E. Spilka, President of the Senate announcing the appointment (pursuant to Section 225 of Chapter 69 of the Acts of 2018) of Senator Cindy F. Friedman to the Restoration Center Commission of the former county of Middlesex;

Restoration Center Commission,-- appointment.

Communication from the Honorable Karen E. Spilka, President of the Senate announcing the appointment (pursuant to Section 89(b) of Chapter 69 of the Acts of 2018) of Senator Joseph C. Boncore to the Juvenile Justice Policy and Data Board;

Juvenile Justice Policy and Data Board.

Communication from the Office of the Comptroller (pursuant to line item 1599-3384 of Section 2 of Chapter 47 of the Acts of 2017 and Chapter 154 of the Acts of 2018) submitting its accounts payable BFY2018 and first quarter BY2019 as of September 30, 2018, reports on "Settlements and Judgments" (received October 25, 2018);

Comptroller,-- settlements and judgments reports. SD2806

Communication from the Office of the Comptroller (pursuant to line item 1599-2040 of Section 2B of Chapter 47 of the Acts of 2017 and Section 2B of Chapter 154 of the Acts of 2018) submitting its reports on paid prior year deficiencies (received October 25, 2018); and

Comptroller,-- prior year deficiencies reports. SD2807

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

DPH,-- plans of correction. SD2808

Middlesex County Jail and House of Corrections
MCI Cedar Junction (received October 25, 2018).

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:

DPH,-- facility inspections. SD2809

Northeastern Correctional Center

Souza- Baranowski Correctional Center

Hampden County jail and House of Correction (received October 25, 2018),-- **was placed on file.**

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 2671) of Mark C. Montigny, Robert M. Koczera, Paul A. Schmid, III, Christopher M. Markey and other members of the General Court (with approval of the mayor and city council) for legislation to authorize the appointment of special police officers in the city of New Bedford [Local approval received];

New Bedford,-- police officers.

**Under Senate Rule 20, to the committee on Public Service.
Sent to the House for concurrence.**

By Mr. Collins, a petition (accompanied by bill) (subject to Joint Rule 12) of Nick Collins for legislation to establish a sick leave bank for Marc Wedgeworth, an employee of the Massachusetts Trial Court;

Marc Wedgeworth,--
sick leave.
SD2810

Under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Report of a Committee.

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

The Senate Bill relative to sleep deprivation avoidance and promotion of good sleeping practices (Senate, No. 1720).

Sleep deprivation,--
avoidance.

PAPERS FROM THE HOUSE.

A Bill relative to innocent spouses (House, No. 4942,-- on House, Nos. 2602 and 3339),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Innocent spouses.

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 establishing a sick leave bank for Kelli Jones, an employee of the Department of Mental Health (Senate, No. 2663),-- **was read a third time and passed to be engrossed.**

Kelli Jones,-- sick
leave.

Sent to the House for concurrence.

The engrossed Bill to promote and enhance civic engagement (see Senate, No. 2631),-- was considered, the main question being on adoption of the Governor's amendment.

Civic engagement.

The pending amendment, previously moved by Ms. Chandler, 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."-- was considered.

After remarks, the amendment was adopted.

The Governor’s amendment, as amended, was then considered.

After remarks, on motion of Mr. Tarr, the Senate then adopted the Governor’s amendment, as amended.

Sent to the House for its action.

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

Mr. Collins in the Chair, an engrossed Bill relative to the financial condition of the Pioneer Valley Regional School District (see House, No. 4746), 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.

Pioneer Valley
Regional School
District.

The bill was signed by the Acting President (Mr. Collins) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and sent to the House for enactment.

Resolutions.

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

Resolutions (filed by Mr. deMacedo) “commending Sonia Barboza on her 46 years of distinguished service providing for veterans in the town of Plymouth”;

Sonia Barboza.

Resolutions (filed by Mr. Ross and Ms. Creem) “congratulating Joseph Gerald Gallant on his elevation to the rank of Eagle Scout”;

Joseph Gerald
Gallant.

Resolutions (filed by Mr. Ross and Ms. Creem) “congratulating Matthew Anthony Lucas on his elevation to the rank of Eagle Scout”;

Matthew Anthony
Lucas.

Resolutions (filed by Mr. Ross and Ms. Creem) “congratulating Coleman Monroe Lysaght on his elevation to the rank of Eagle Scout”; and

Coleman Monroe
Lysaght.

Resolutions (filed by Mr. Ross and Ms. Creem) “congratulating Owen Kondo O’Connor on his elevation to the rank of Eagle Scout.”

Owen Kondo
O’Connor.

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 relative to a real property exemption for disabled persons in the town of Westford (House, No. 4660),-- **was read a third time and passed to be engrossed, in concurrence.**

Westford,-- disabled
persons.

The House Bill authorizing the town of Brookline to raise the income threshold for senior real property tax deferments (House, No. 4847) (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.**

Brookline,-- senior
property tax.

The House Bill authorizing the city of Newton to amend the income qualifications for a certain tax deferral program (House, No. 4849),-- **was read a third time and passed to be engrossed, in concurrence.**

Newton,-- tax
deferral.

PAPERS FROM THE HOUSE.

A Bill authorizing the town of Hatfield to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4878,-- on House, No. 4779) [Local approval received on House, No. 4779],-- was read.

Hatfield,-- liquor license.

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 Board of Selectmen of the town of Arlington to place upon a town ballot a question to increase the number of licenses for all alcoholic beverages not to be drunk on the premises (House, No. 4892,-- on petition) [Local approval received],-- was read.

Arlington,-- liquor license.

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.

Engrossed Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill providing for the annual appointment of a treasurer of the Lancaster sewer district (see House, No. 3217, amended) [for message, see House, No. 4937],— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading and as amended by the House as follows:- in section 1 by striking out the following: “chapter 660 of the acts of 1970” and inserting in place thereof the following: - chapter 659 of the acts of 1970.

Lancaster,-- sewer district.

The message, as amended was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

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

On motion of the same Senator, the Governor’s amendment, as amended, was adopted, in concurrence.

Sent to the House for re-enactment.

Engrossed Bill.

An engrossed Bill relative to the financial condition of the Pioneer Valley Regional School District (see House, No. 4746) (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. Collins) and laid before the Governor for his approbation.**

Bill laid before the Governor.

Recess.

There being no objection, at thirteen minutes past twelve o’clock noon, the Chair (Mr. Collins) declared a recess, subject to the call of the Chair; and at twenty-two minutes before two o’clock P.M., the Senate reassembled, Mr. Keenan in the Chair.

Recess.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Kelli Jones, an employee of the Department of Mental Health (see Senate, No. 2663), having been certified by the Senate

Kelli Jones,-- sick leave.

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.

The bill was signed by the Acting President (Mr. Keenan) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and sent to the House for enactment.

The House Bill making appropriations for the fiscal year 2018 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4946,-- on House, No. 4231, in part),-- was read.

Supplemental appropriations.

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.

Recess.

There being no objection, at seventeen minutes before two o'clock P.M., the Chair (Mr. Keenan) declared a recess, subject to the call of the Chair; and at twenty-six minutes before four o'clock P.M., the Senate reassembled, Mr. Collins in the Chair.

Recess.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill making appropriations for the fiscal year 2018 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4946), 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.

Supplemental budget.

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

Engrossed Bills.

An engrossed Bill validating certain proceedings of the town of Concord (see Senate Bill, printed in Senate, No. 2665) (which originated in the Senate), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage was passed to be enacted, two-thirds of the members present having voted in the affirmative, and signed by the Acting President (Mr. Collins) and laid before the Governor for his approbation.**

Bill laid before Governor.

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 re-enacted and were signed by the Acting President (Mr. Collins) and again laid before the Governor for his approbation, to wit:

To promote and enhance civic engagement (see Senate, No. 2631, amended); and
Providing for the annual appointment of a treasurer of the Lancaster Sewer District (see House, No. 3217, amended);

Bills again laid before the Governor.

Moment of Silence.

At the request of the Chair (Mr. Collins), the members, guests and staff stood in a moment of silence and reflection to the memory of the victims who lost their lives in Pittsburgh and Kentucky.

Moment of silence.

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. Collins) and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Kelli Jones, an employee of the Department of Mental Health (see Senate, No. 2663); and

Bills laid before the Governor.

Making appropriations for the fiscal year 2018 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4946).

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 the Victims who lost their lives in Pittsburgh and Kentucky.

The Senator from Middlesex and Norfolk, Ms. Spilka, and the Senator from Essex and Middlesex, Mr. Tarr, moved that when the Senate adjourns today, it do so in memory of the victims of the shooting at the Tree of Life synagogue in Pittsburgh, Pennsylvania, as well as the victims of the shooting in Kentucky.

Ms. Spilka in the Chair, last week, we witnessed one of the worst weeks of hate in our country's recent history.

Pipe bombs sent to prominent Americans.

Two people shot in Kentucky, apparently due to the color of their skin.

Eleven lives cut short in a place of worship in Pittsburgh.

Today, we remember those of all ages whose lives were ended too soon, and those whose voices were silenced.

Among the 13 we remember today were a dentist; a grandfather buying poster board for his grandson; a physician at the forefront of HIV treatment; a couple who had been married in the same synagogue 60 years earlier; a research specialist; and a pair of inseparable brothers.

We remember the good they did in the world; the good that was left to do, and all that they represented to their loved ones and communities.

The Jewish Talmud teaches us, quote,

"Do not be daunted by the enormity of the world's grief.

Do justly, now.

Love mercy, now.

Walk humbly, now.

You are not obligated to complete the work, but neither are you free to abandon it."

Today, in the names of those who perished by hate while committing an act of faith;

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in the names of those who were murdered for the color of their skin, we promise to not be daunted by grief, and to continue to do justly.

We ask for a moment of silence in memory of:

Rose Mallinger, 97 - Jerry Rabinowitz, 66 - Cecil Rosenthal, 59 - David Rosenthal, 54 - Bernice Simon, 84 - Sylvan Simon, 86 - Daniel Stein, 71 - Melvin Wax, 88 - Irving Younger, 69 - Joyce Fienberg, 75 - Richard Gottfried, 65 - Maurice Stallard, 69 - and Vickie Jones, 67.

May their memories be a blessing.

Mr. Collins in the Chair, accordingly, as a mark of respect to the victims who lost their lives in Pittsburgh and Kentucky, at four minutes past four o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.